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Board Policies and Administrative Procedures
General Institution

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*AP 3260 is a District generated AP

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3050 Institutional Code of Ethics

Reference:

ACCJC Accreditation Standard III.A.13 (formerly III.A.1.d)

All employees of Imperial Valley College embrace a code of conduct in which we recognize the value and dignity of each individual within the framework of the campus community.

We strive to:

- Respect the opinions, values, and traditions of others
- Be responsible for our own behavior
- Be honest, open, and trustworthy
- Be fair and equitable in our treatment of others
- Promote democratic principles, good citizenship, and the standards of academic freedom
- Perform our duties and responsibilities with integrity and professionalism
- As appropriate, use effective teaching practices and teach our students with rigor and compassion
- As appropriate, maintain confidentiality, objectivity, and impartiality in all evaluative activities involving students and colleagues















**IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3100 Organizational Structure**

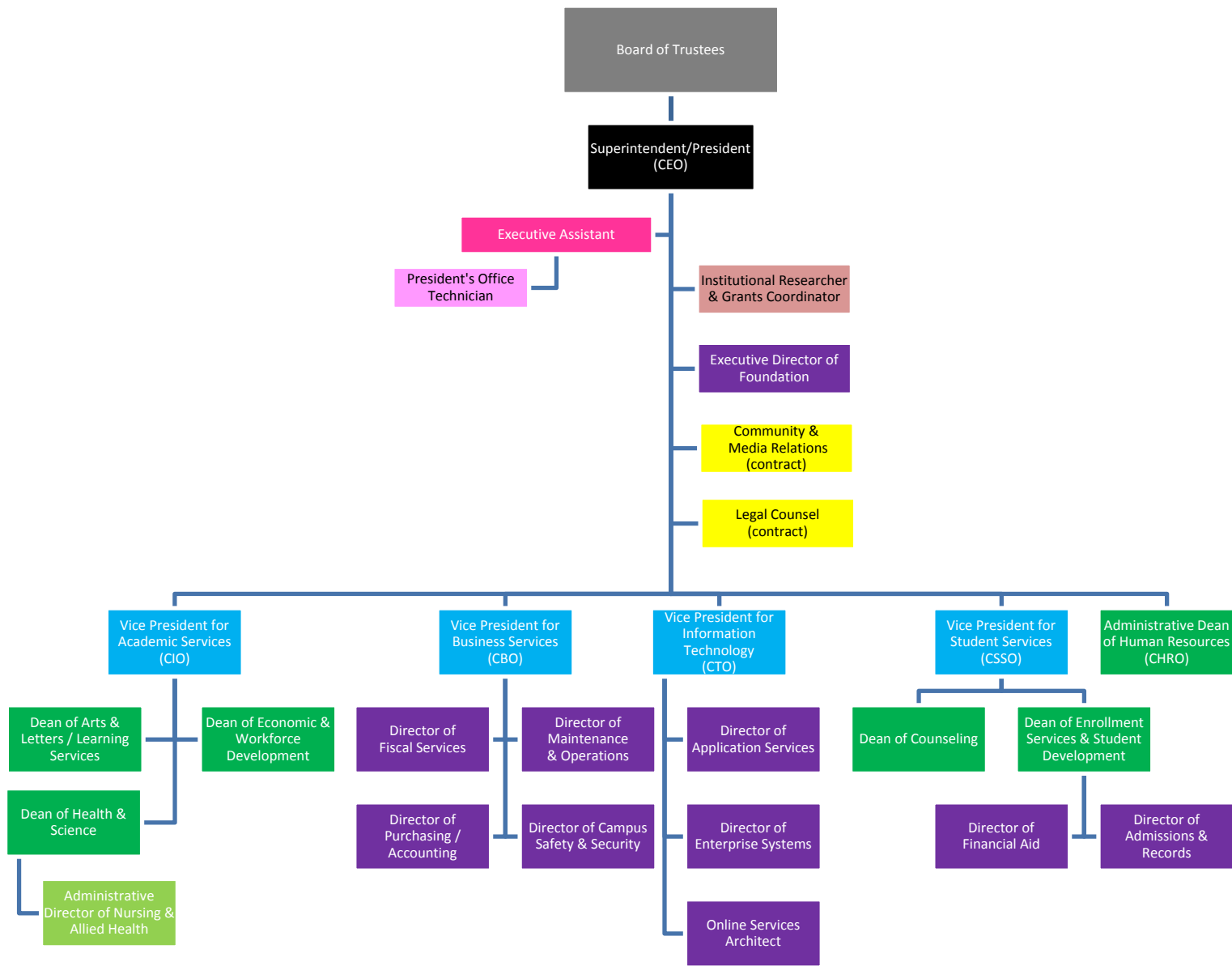
Reference:
Education Code Section 72400;
Title 5, Section 53200

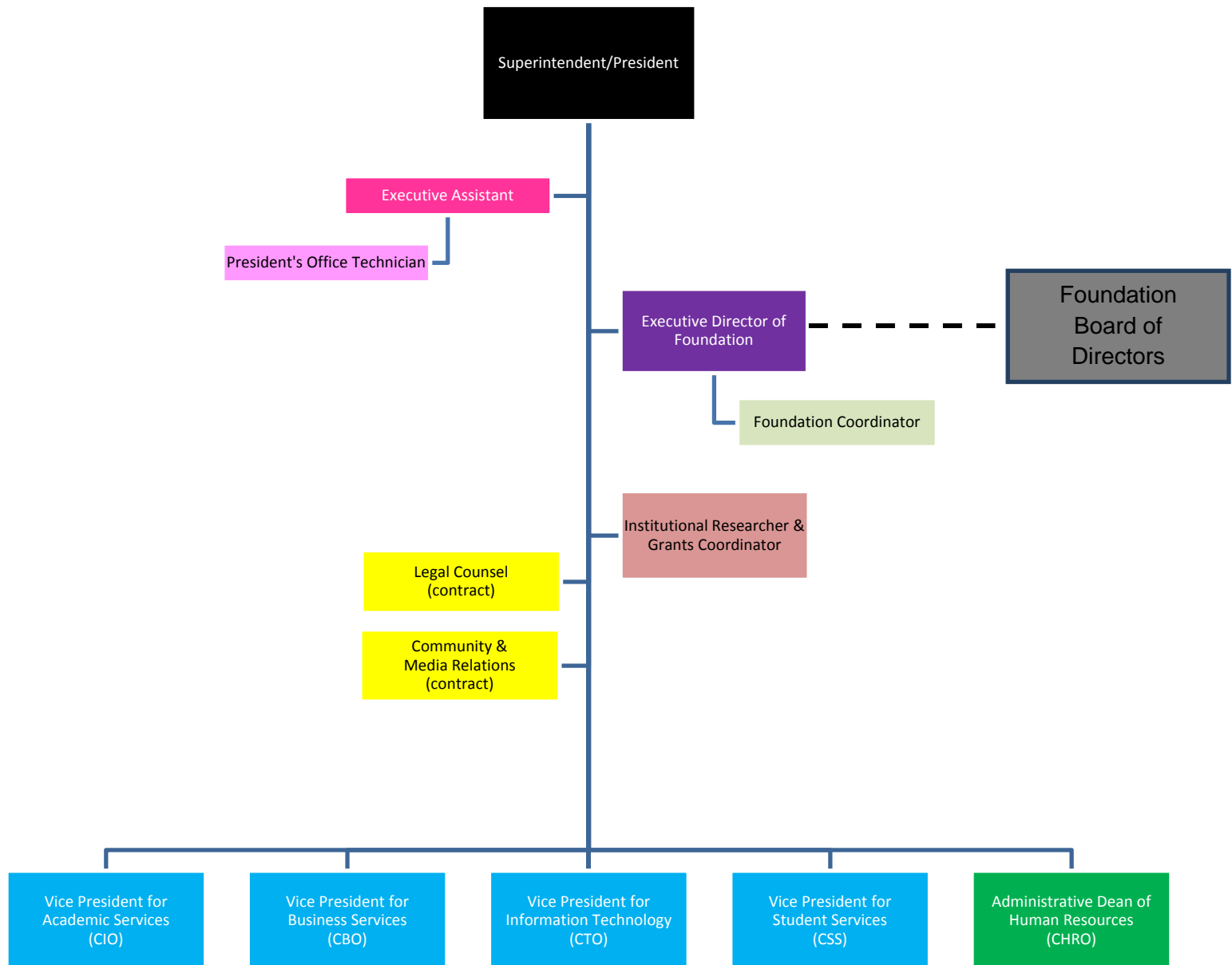
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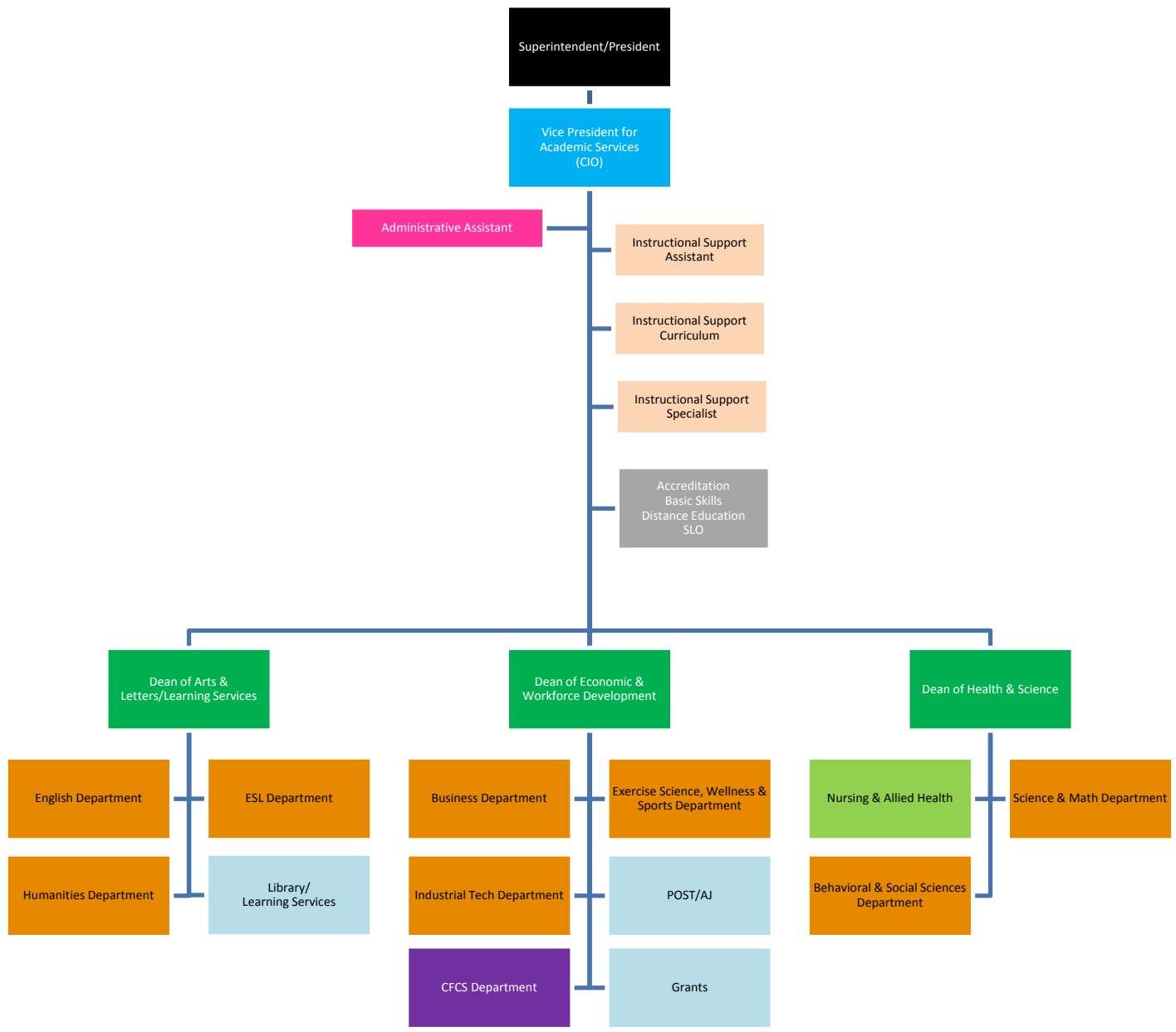
PLEASE SEE NEXT PAGES FOR ORGANIZATIONAL CHARTS

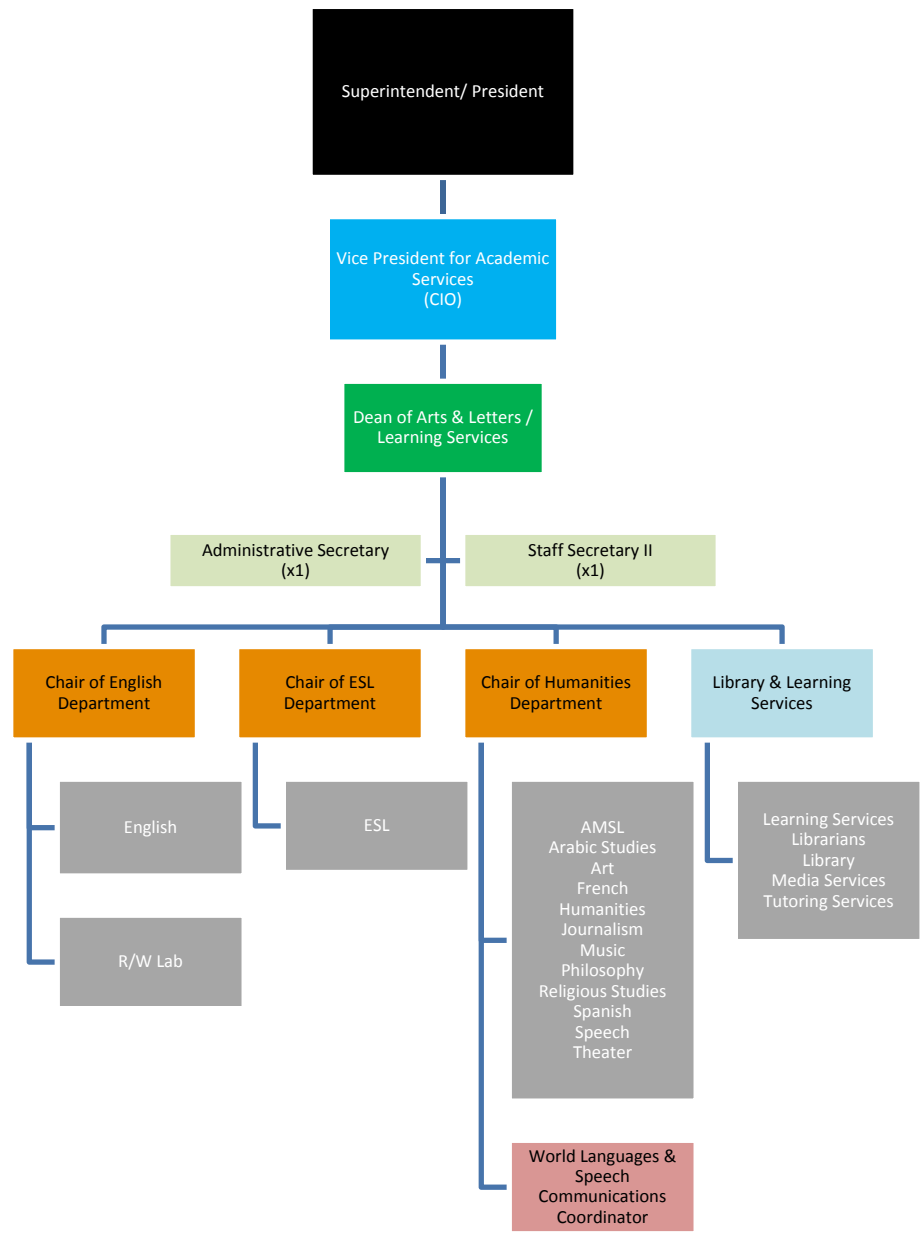
2012 – 2013 Organizational Chart

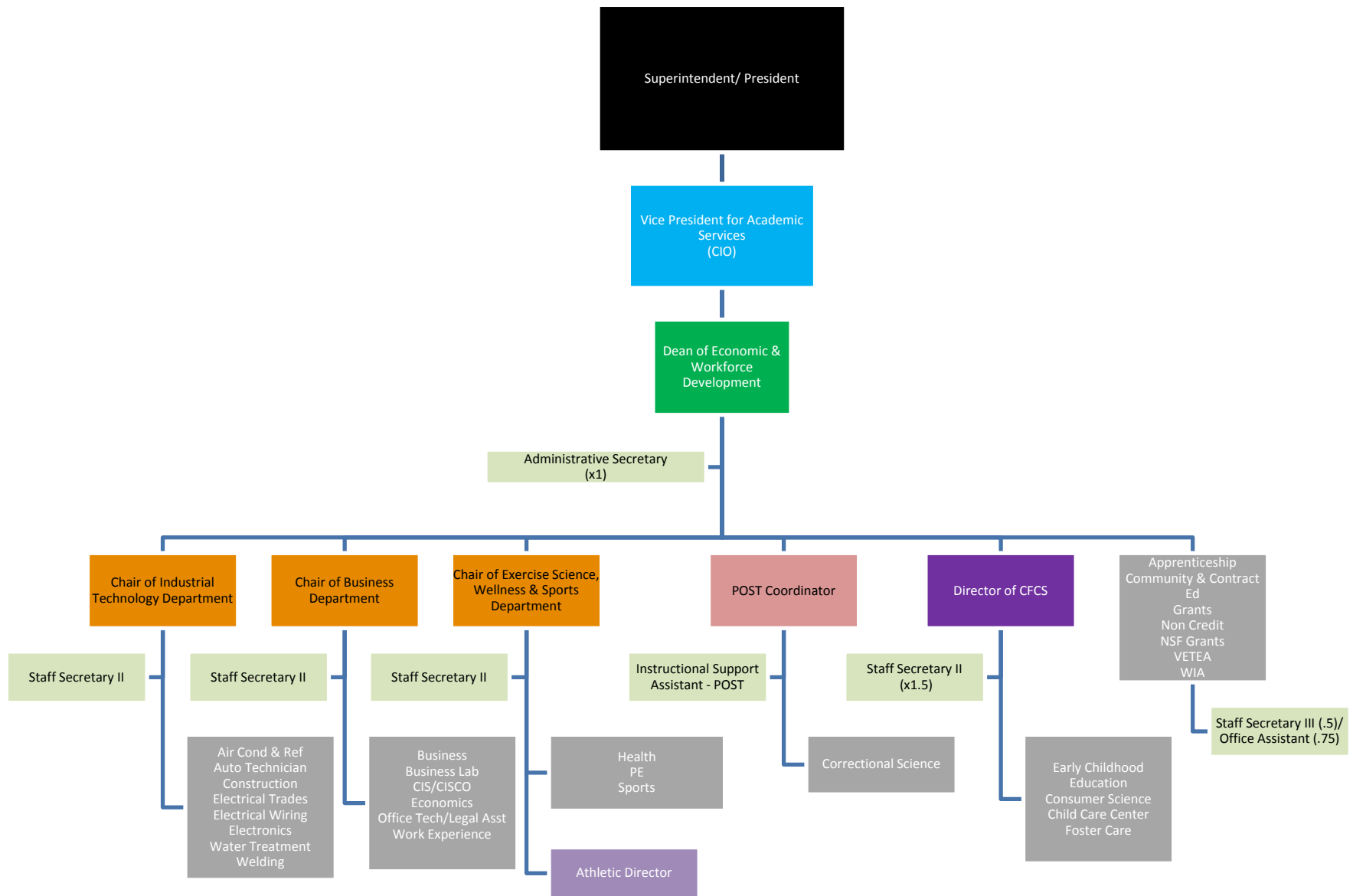
-  Superintendent/President
-  Board of Trustees
- 
-  Vice President
-  Dean
-  Manager (Director)
-  Department Chair
-  Positions under Area
-  Coordinator
-  Services under Area
-  Student Service Area
-  Administrative Assistant/Executive Assistant
-  Support Staff
-  Contract

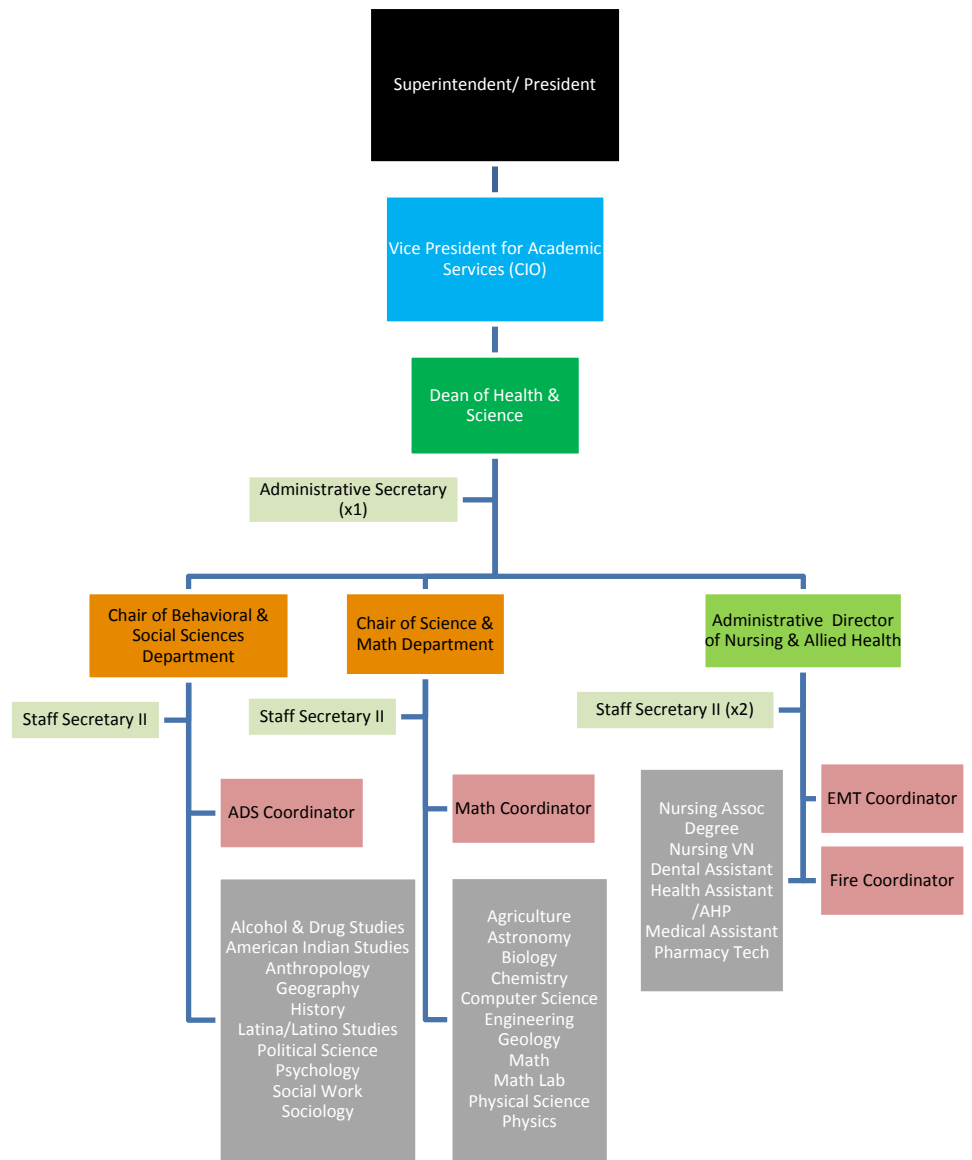


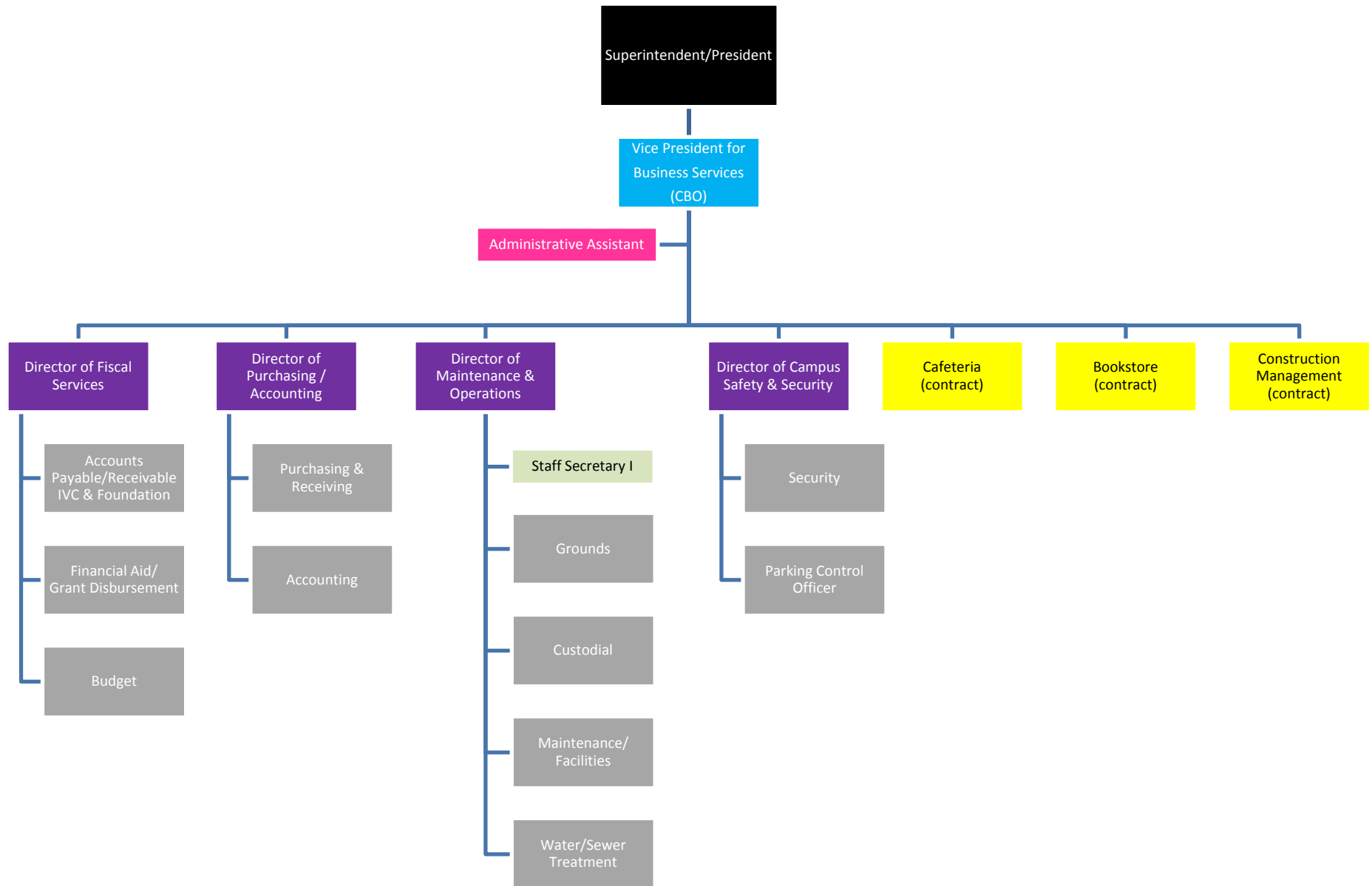


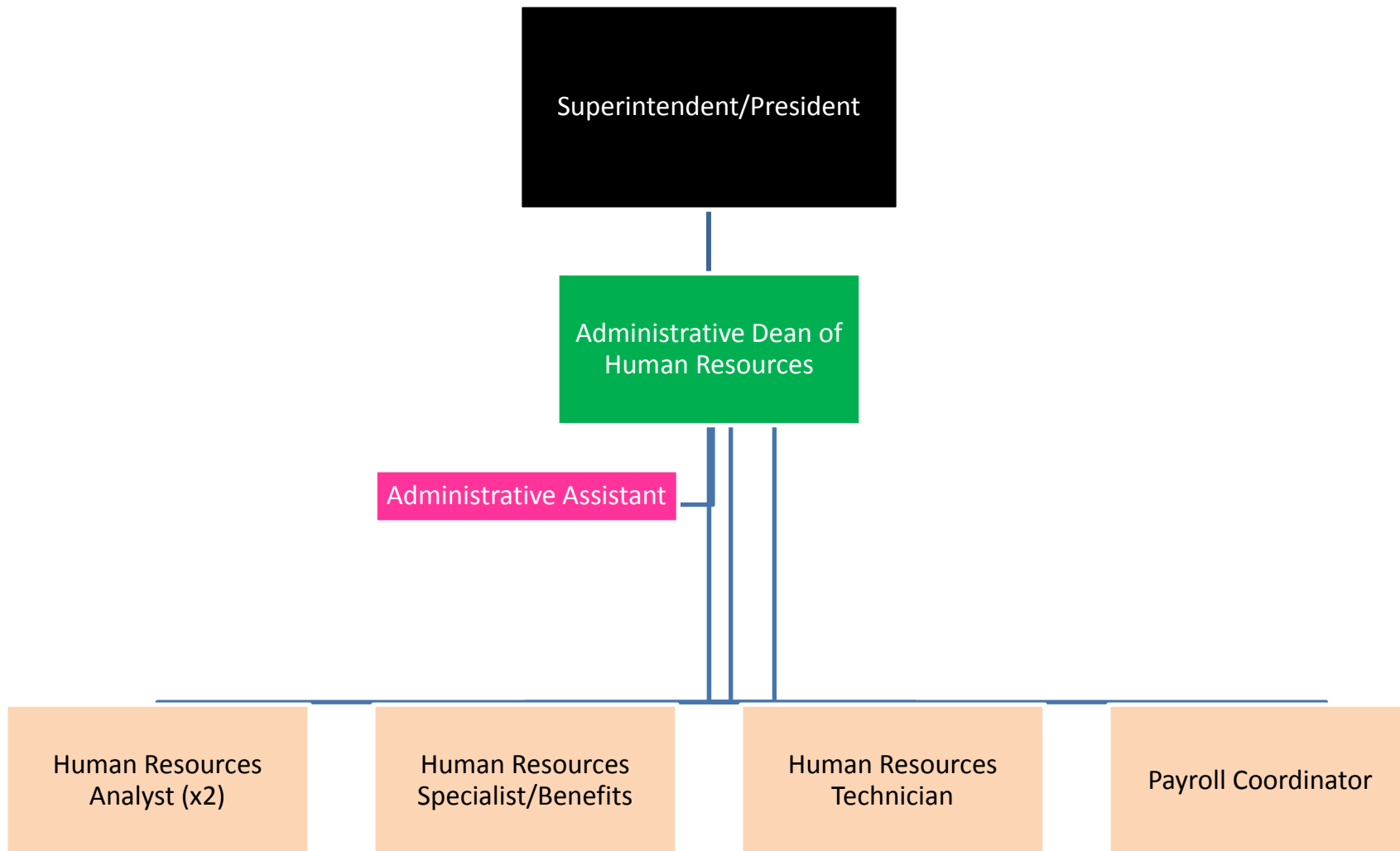


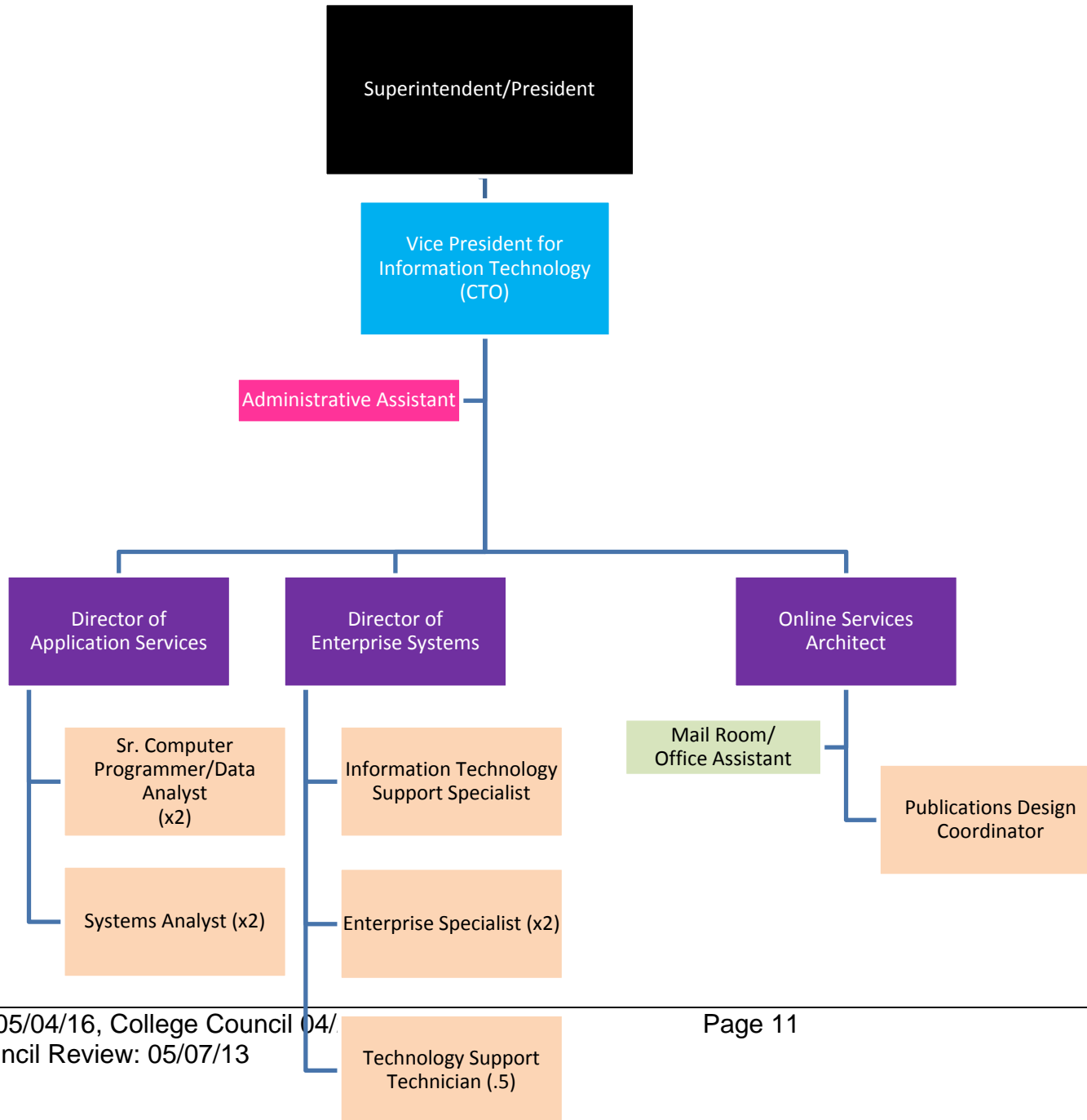


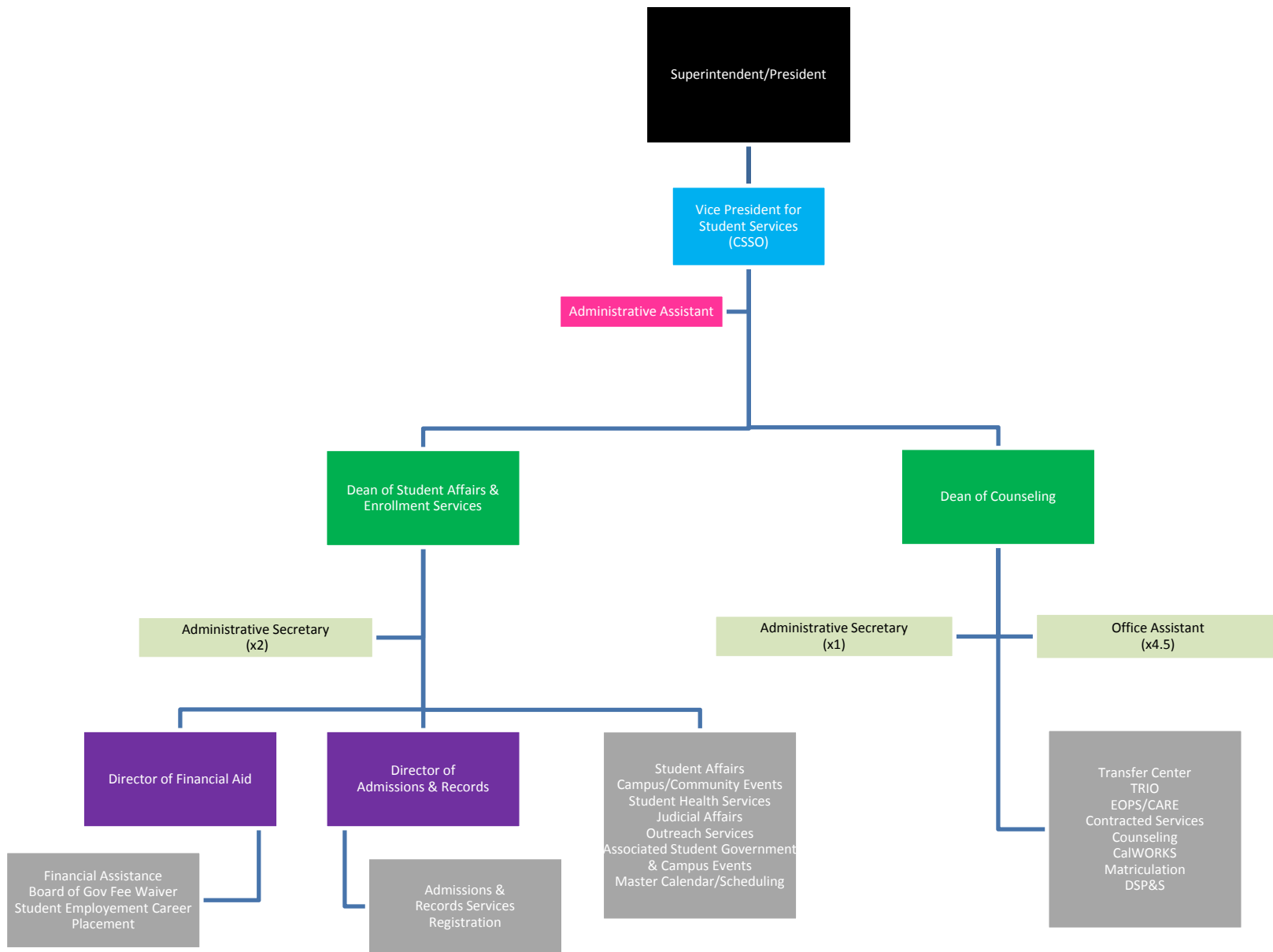


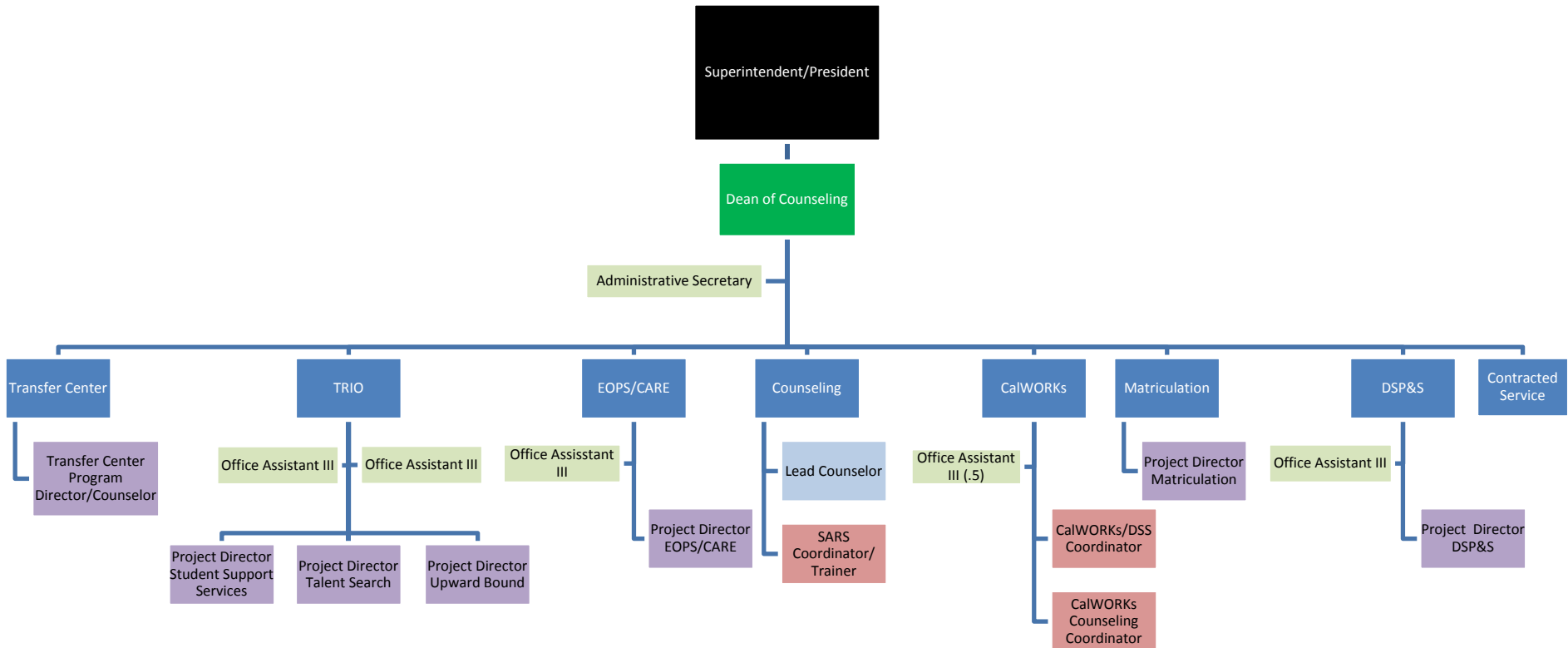


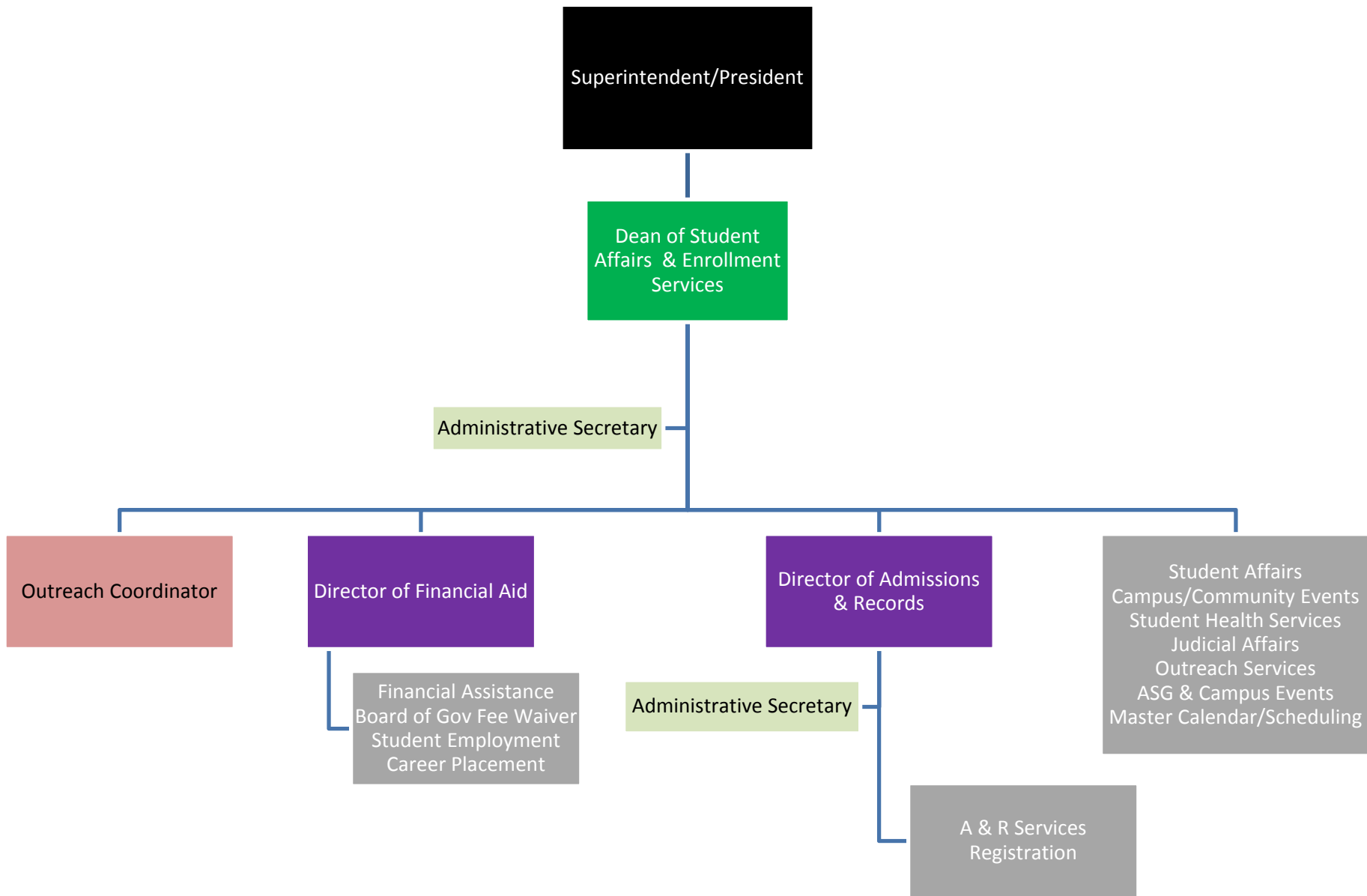












IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3200 Accreditation

Reference:

ACCJC Accreditation Eligibility Requirement 20 21

ACCJC Accreditation Standards I.C.12 and 13 (formerly IV.B.1.i)

Title 5 Section 51016

Imperial Valley College is accredited by the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges. This Organization is recognized by the Commission on Postsecondary Accreditation and the U.S. Department of Education and approved by the California State Department of Education Office of Private Post-Secondary Education for training veterans and other eligible persons under the provisions of the GI Bill. The College is also accredited by offers programs of study affiliated with or approved by the American Welding Society, California Association of Alcohol and Drug Educators, California Board of Registered Nursing, California Board of Vocational Nurse and Psychiatric Examiners, Commission on Peace Officers Standards and Training, California State Department of Education, National Academy of Early Childhood Programs, California State Fire Marshall and the State Board of Fire Services, and the Commission on Accreditation of Allied Health Education Programs and the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions.

Accreditation Institutional Self-Evaluation Study

1. The Superintendent/President designates an administrator to carry out the process. The CEO begins the accreditation self-evaluation process with communication to the campus community, including students, the governing board, and the community at large and explains broadly what the college is about to undertake. The CEO's advocacy for accreditation helps the college establish a positive view of the accreditation process.
2. As an ACCJC member institution, the college must have an Accreditation Liaison Officer (ALO). The ALO assists the CEO in addressing accreditation matters and serves as the second contact person for ACCJC staff. The CIO is identified as the college's ALO.
3. Under the supervision of the CIO/ALO, the Continuous Accreditation Readiness Team (CART) has oversight of the college's continuous evaluation functions. CART is responsible for organizing and coordinating the self-evaluation process, ensuring that appropriate progress is made, and preparing the Institutional Self-Evaluation Report. The committee is also responsible for organizing and coordinating the Annual Report, follow-up reports, Midterm Reports, and substantive change proposals. In addition, the committee ensures that evidence in support of the self-evaluation is shared within the institution and that relevant internal stakeholders who

have knowledge of data and who can contribute to the analysis of data and evidence, are involved in the process as appropriate.

4. CART is composed of members of:

- President's Cabinet (CEO, CBO, CIO, CSSO, CHRO)
- Administrative Council (management staffing including administrative deans and directors, and classified managers)
- Instructional Council
- Student Services Council
- Institutional Researcher
- SLO Coordinator
- Distance Education Coordinator
- Faculty
- Staff
- Members of the Community

In addition, the Academic Senate President, CTA President, CSEA President, CMCA Chair, and Associated Student Government President, or representatives appointed by each, shall serve on CART. The ALO shall appoint the chair or co-chairs of the CART. ~~The designated administrator serves as chair of the Accreditation Steering Committee and selects members to serve on the committee. The administrator may appoint a co-chair of the committee. The Accreditation Steering Committee is composed of the following:~~

~~Board members~~

~~Administrators (who may serve as chairs or co-chairs of the committees established for each standard; see item 2)~~

~~Representatives of the following groups:~~

~~Academic Senate~~

~~GTA~~

~~CSEA~~

~~Associated Student Government~~

~~CMCA~~

~~Faculty~~

~~Staff~~

~~Institutional Researcher~~

~~Instructional Media Designer~~

~~Members of the community~~

5. A committee is formed for each accreditation standard. President's Cabinet Members shall chair the accreditation standard committees as follows:

Standard 1 – CSSO

Standard 2 – CIO

Standard 3 – CBO and CHRO

Standard 4 - CEO

The committees is chaired by an administrator or may be co-chaired by an the administrator and faculty member. At least one Academic Senator, appointed by the Academic Senate, shall actively participate on each standard's committee. Faculty and staff shall be recruited to serve on the standard committees.

~~5.6.~~ The CART Accreditation Steering Committee holds regular meetings throughout the self-evaluation study development process. The committee discusses and makes decisions regarding the approach/design of the self-study self-evaluation; recruitment of subcommittees such as the committee to handle the logistics of the accreditation team visit, among others; formation of inquiring/writing teams and editing teams; dissemination of information to the college community; collection of evidence; circulation of the draft self-study self-evaluation to all staff and all campus groups for discussion and revision; and review of self-study self-evaluation drafts.

~~6.7.~~ The CART Accreditation Steering Committee informs the college community on the progress of the self-study self-evaluation through updates via regular campus emails and meetings of the Academic Senate, Administrative Council, President's Cabinet Executive Council, College Council, and the Board of Trustees.

~~7.8.~~ Drafts of the self-study self-evaluation are posted to the college website, circulated to all staff and all campus groups for discussion and revision via meetings of the CART, Academic Senate, College Council.

~~8.9.~~ Following approval of the self-study self-evaluation by all campus participatory governance groups, the final self-study self-evaluation is published for adoption by the Board of Trustees. After adoption by the Board, the self-study self-evaluation is mailed to the Accreditation Visiting Team and the ACCJC.

~~9.10.~~ The CEO's Office handles the logistics of the accreditation team visit. The arrangements for the team typically include: lodging, meals, local transportation while on site, and clerical, computer and technical assistance during the site visit. In addition, the CEO's Office will assist the team during the visit to collect, as needed, additional information and materials, locate campus members for team interviews, and in general, serve as the communication link between the college and the team.

~~10.11.~~ The visit team's exit report will be presented to the campus community via campus forum. Academic Senate representative(s) will attend the accrediting team's exit report. The chair of each standard's committee shall be present at the accrediting team's exit report.

~~11.12.~~ In accordance with item 20 of the Eligibility Requirements for Accreditation, Imperial Valley College publishes the following in its General Catalog:

General Information

- Official name, address(es), telephone number(s), and Web site address
- Educational mission
- Course, program, and degree offerings
- Academic calendar and program length
- Academic freedom statement
- Available student financial aid
- Available learning resources
- Names and degrees of administrators and faculty
- Names of Governing Board Members

Requirements

- Admissions requirements
- Student fees and other obligations
- Degree, certificates, graduation and transfer requirements

Major Policies Affecting Students

- Academic regulations, including academic honesty
- Nondiscrimination policy
- Acceptance of transfer credits policy
- Grievance and complaint procedures
- Sexual harassment policy
- Refund of Fees refund policy
- ~~Other items relative to attending and withdrawing~~

Locations of Publications Where Other Policies May be Found

Up-to-date and precise public information is also published in the class schedule on the College Web site. Students and the community are also kept informed of special projects and building programs through the visioning process and local print and media organizations.

The governing board provides assurance that the institution adheres to all eligibility requirements and accreditation standards and policies of the ACCJC. The college describes ~~accredited status~~ itself in identical terms to all its accrediting agencies, communicates any changes in its accredited status, and agrees to disclose information required by the ACCJC to carry out its accrediting responsibilities.

See BP 3200

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3225 Institutional Effectiveness

References:

Education Code Sections 78210 et seq. and 84754.6;
ACCJC Accreditation Standards I.B.5 – 9

The District shall develop, adopt, and publicly post goals that addresses all of the following:

- (1) accreditation status;
- (2) fiscal viability;
- (3) student performance and outcomes; and
- (4) programmatic compliance with state and federal guidelines.

The goals should be challenging and quantifiable, address achievement gaps for underrepresented populations, and align the educational attainment of California's adult population to the workforce and economic needs of the state.

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3250 Institutional Planning

Reference:

ACCJC Accreditation Standard I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5; (formerly I.B)

Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55510, and 56270 et seq.

Institutional Planning and Evaluation

In addition to the self-study process for reaffirmation of accreditation, Imperial Valley College conducts a major program review and planning process every three years, and the results are published in the Program Review and Planning documents. The planning cycle begins with a visioning process in the community, and institutional goals are based on this broad based outreach effort. All members of the college community participate in this process, which documents intended improvements through stated institutional goals and objectives. Resource allocation is tied to the Program Review and Planning process. All areas of the college community assess progress toward achieving the stated goals and objectives through an annual assessment process. A sample timeline of the program review and planning process is provided below:

IMPERIAL VALLEY COLLEGE
PROGRAM REVIEW AND PLANNING
TIMELINE

Action to be taken	Responsible Party	Time of Action
Begin process to define vision through focus groups: Internal External	CEO	October-November February-March
Organize Stakeholder's Summit to determine major and minor issues from focus groups	CEO	March-April
Organize vision Task Force to develop vision statements and institutional goals from issues defined by the focus groups at Stakeholder's Summit	CEO	May-June
Plan, develop, and complete the Program Review Planning Committee Process using institutional goals developed by the task force	CSSO	September-December
Coordinate the summary of the Program Review and Planning documents and develop the institutional Master Plan	CSSO	January-February
Evaluate Program Review and Planning self-studies for budget development recommendation	CBO	February-March
Review Accreditation Recommendations, if any, in relationship to institutional goals	CIO	March

Develop, review, and compile budgets	CBO	February-April
Evaluate Tentative Budget	CBO	May
Present Tentative Budget to Governing Board for approval	CBO	May

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3260 Enrollment Management Plan

Purpose

The purpose of the Imperial Valley College Enrollment Management Plan is to create a holistic approach to enrollment management, including recruitment, access to enrollment and retention of students. The plan relies on student needs based on educational plans and enrollment pattern data within the constraints of financial, physical and human resources. The plan upholds the college's mission to provide educational opportunities for a diverse student population

Process

The Enrollment Management Plan is an ongoing process that involves multiple departments that collaborate to provide education in career technical, basic skills, and transfer curriculum with robust student support leading to success.

Procedure

Administrative Responsibilities:

Chief Executive Officer (CEO) and President's Cabinet

1. The Director of Institutional Research in collaboration with the Human Resources Department calculates the Faculty Obligation Number (FON) based on the State formula and collaborates with the CIO, CSSO, and CBO to establish the college's FON internal target based on the student needs, faculty resource needs, state funding, categorical funding, student support programs, collective bargaining contracts, reassigned time, college mission and community needs.

Chief Business Officer (CBO)

1. Identifies the FTES and budget targets based on set State parameters (FTES Cap, Growth Factor) and college budgetary constraints.
2. In collaboration with the CIO and CSSO, will determine college FTES growth parameters.
3. The recommended FTES growth factor will be reviewed by the President's Cabinet and approved by the CEO.

Chief Student Services Officer (CSSO)

1. Establishes collaborative processes to determine student need based on education plans, assessment findings, advisement data and research as outlined in the Student Success and Services Program (SSSP) Plan.
2. Approves the SSSP Plan.
3. Meets with the CIO prior to each schedule development period to conduct an analysis of need and the college's ability to meet student demand.

Chief Instructional Officer (CIO)

1. Collaborates with the Instructional Council and other academic personnel to develop a schedule based on CBO and Student Services recommendations and other college data.
2. Facilitates the schedule development to create a balanced schedule (day, evening, alternative delivery) within the constraints of faculty, facility and budget resources.
3. Monitors the development of the schedule and registration processes, adjusting the schedule to align with set FTES/efficiency/budget parameters on an ongoing basis during the registration period.

Chief Human Resources Officer (CHRO)

1. Collaborates with the CIO and CSSO in the recruitment for human resources in order to implement the targeted Enrollment Management Plan as defined when appropriate.

Enrollment Management and Schedule Development Timeline:

1. On or before the final business day of February of each year
 - a. The CIO, CBO and CSSO meet to evaluate and analyze data to determine if the current academic-year schedule met established targets for FTES, efficiency, curriculum, and budgetary constraints.
2. On or before the final business day of March of each year
 - a. After the release of the annual state budget, the President's Cabinet is responsible for reviewing the projected schedule for the coming academic year and requesting modification to the following fiscal year's schedule as/if needed; while also developing the enrollment management parameters for the following fiscal year including, but not limited to:
 - i) The overall core curriculum balance between basic skills, career technical and transfer curriculum.
 - ii) Budget targets based on state FTES allocations, state budget forecasts, anticipated state growth/decline targets, district budget projections, the fifty-percent law, and internal data.
 - iii) The FTES goals based on state FTES allocations, anticipated state growth/decline targets, the fifty-percent law, budget targets, and internal data.
 - iv) Marketing and retention strategies based on recommendations from participatory groups, internal data, and budget constraints.

- v) Adjustments may be made based on the Chancellor's Office Budget Workshop or Budget Analyst Reports.
3. On or before the final business day of April of each year
 - a. Final enrollment management parameters or targets developed for the year following the upcoming year, which shall be communicated to the campus after adoption by the President's Cabinet.
 4. On or before the final business day of May of each year
 - a. The CSSO composes a list of course schedule recommendations based on education plans, assessment findings, advisement data, and research as outlined in the Student Services Act.
 - b. The report is forwarded, discussed, and validated with the CIO.
 5. On or before the final business day of August of each year
 - a. The Enrollment Management Task Force, co-chaired by the CIO and CSSO, meets to review recommendations from Student Services and reach consensus on schedule parameters based on the recommendations, FTES targets, faculty and facility availability and budgetary constraints determined in number 1 above.
 6. On or before the final business day of September of each year,
 - a. The CIO collaborates with the Instructional Council and other academic personnel to develop an annual schedule for the following year based on:
 - i) CBO's targets
 - ii) CSSO's recommendations
 - iii) Delivery balance, i.e. day, evening, alternative delivery mode
 - iv) Constraints of resources: faculty, facilities, and fiscal
 - v) Other college data
 7. On or before the final business day of November of each year,
 - a. The projected schedule for the coming year shall have all ~~F~~full-time faculty and Part-Time selections finalized; the only exceptions will be for unfilled faculty positions.
 - i) Unselected courses may be offered to full-time faculty at the discretion of the CIO.
 - ii) All courses not selected by full-time faculty will be considered as courses taught by part-time faculty or new faculty in order to complete the budget development process.
 - iii) The CIO retains the Right of Assignment to ensure courses offered meet student demand and other parameters/targets.
 8. On or before the fourth (4th) week of each semester, the Enrollment Management Task Force conducts an evaluation and debriefing to review the efficiency and effectiveness of the Enrollment Management Process, make adjustments as needed, and communicate its findings to the Task Force co-chairs, CIO and CSSO.

9. On or before the 13th week of the semester, the following semester's schedule will be made public.
 - a. Based on student and institutional need, the fall, winter, spring and summer course schedule will be viewed as tentative and adjusted if necessary by the second month of each preceding term (September for Winter and Spring, March for Fall and Summer).

10. During each registration period, the CIO and CSSO jointly monitor the enrollment data and make adjustments to the schedule based on:
 - a. Student demand
 - b. Faculty and facilities availability
 - c. Budgetary constraints

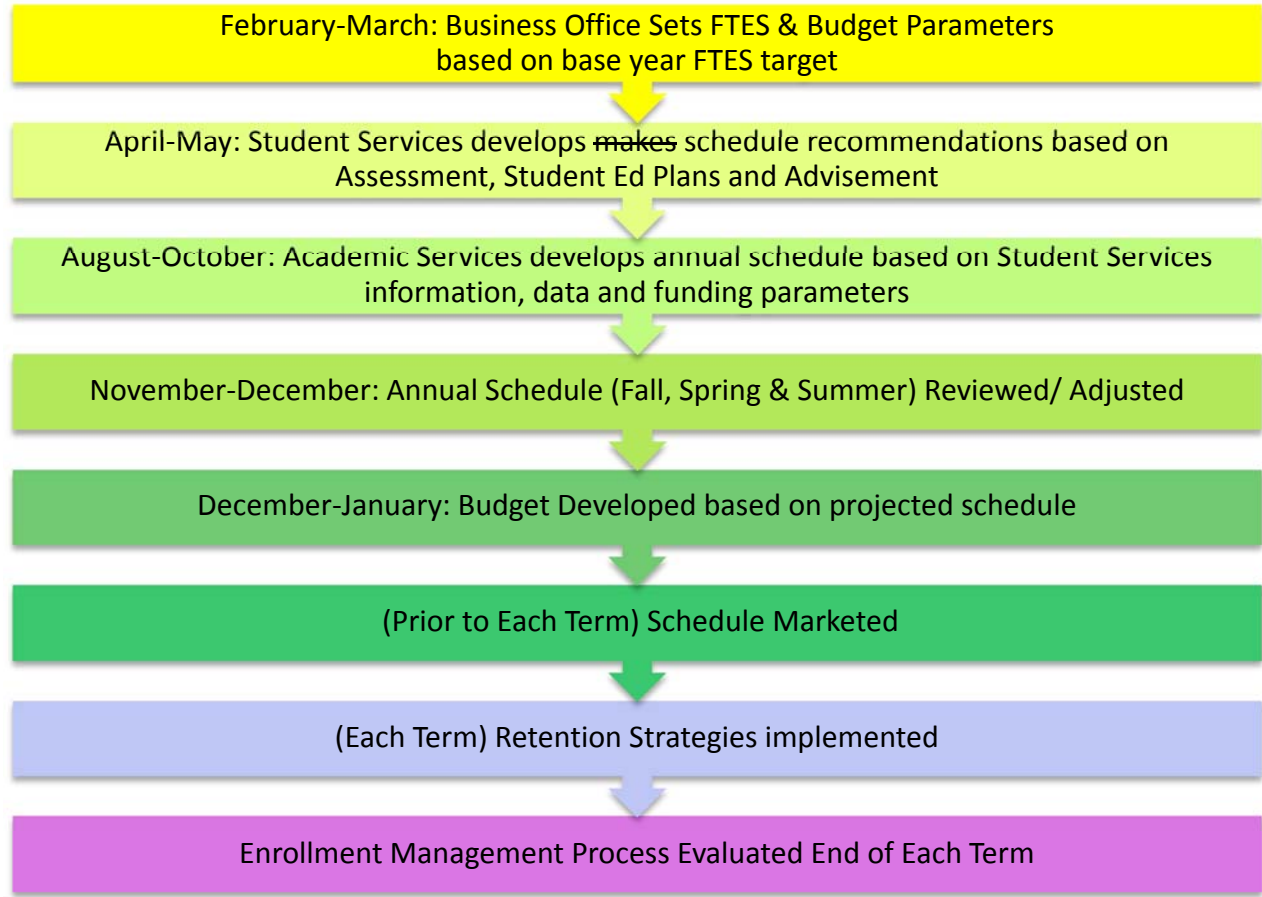
11. During each registration period, enrollment and registration reports will be made available to the President's Cabinet, Instructional and Student Services Councils on a regular basis.

Being that the academic calendar is negotiated with the California Teachers Association (CTA) biannually, the timeline reflected in this AP is subject to change in the event the academic calendar is modified or approval is delayed.

IMPERIAL VALLEY COLLEGE
ENROLLMENT MANAGEMENT PROCESS CYCLE



~~ENROLLMENT MANAGEMENT DEVELOPMENT TIME LINE~~
ACADEMIC YEAR SCHEDULE DEVELOPMENT
2013-14 ACTIVITIES



IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3280 Grants

Reference:
Education Code Section 70902

One of the roles of the Imperial Community College District is to secure external funding to support institutional efforts to enhance the learning environment for students.

Funding opportunities include local, state, and federal funding in addition to the pursuit of private and public grants. This Procedure applies to competitive and non-competitive grants; categorical grant funding and block grant funding.

Definition of Competitive Grants

Competitive grants provide funding for specific projects for a fixed period of time. Funding is awarded through a competitive process where the funding agency solicits applications from eligible organizations; applications are evaluated and funding awards are provided to applicants whose proposals best meet the criteria outlined in the grant announcement. It is important to note that funding is based on the merits of the application and recipients are not pre-determined.

Definition of Non-Competitive Grants

Non-competitive grants typically identify activities and services to be provided that fall within a restricted scope of work in order to achieve the specific purposes of an established program. Applications/proposals are developed within definitive guidelines that are provided by the funding agency and funding is often automatically awarded in response to the application/proposal and can be based upon a formula. For Imperial Valley College, non-competitive grants are limited to applications/proposals that require IVC's Governing Board approval of application and acceptance of awarded funding.

Roles and Responsibilities

Funding opportunities that are pursued by the College District will align with and support institutional plans and further the mission of the College District; in addition, those grants will have available appropriate College District resources to prepare a competitive application and to successfully implement the project if grant award is received. College District divisions will determine which funding opportunities to pursue. Timely application and processing of grant application is required to ensure thorough administrative review by all appropriate units.

- ~~Assure timely application for and processing of grant applications and funds~~
- ~~Identify required approvals (the District may wish to differentiate between processes for new grants versus continuing or renewing grants.)~~
- ~~Establish criteria for grant applications, including the assurance that grants directly support the purposes of the District.~~

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3300 Public Records

Reference:

Government Code Section 6250 et seq.

~~Government Code Sections 6254 et seq. and 6275 et seq~~

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the President's Office.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Executive Assistant to the Superintendent/President may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff 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.

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

Within ten days, ~~[designate positions or office]~~ the President'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).

The most common exemptions for community colleges include:

- Student records (Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))
- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination

[except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254(g).)

- The contents of real estate appraisals or engineering or feasibility estimates and evaluations...relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254(h)).
- Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
- Home addresses and home telephone number of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan.) (Government Code Section 6254.3)
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.
- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.

REQUEST FOR PUBLIC RECORDS

President's Office

Imperial Valley College, 380 E. Aten Road, Imperial, CA 92251 (760) 355-6219 fax: (760) 355-6461

In most cases, except with respect to records that are exempt from disclosure, the President's Office staff will be able to immediately respond to requests for inspection OR be able to provide inspection on the same date of request. However, request for public records inspection and/or copying requiring staff time of 10 minutes and longer will require that a written request be submitted. If copies are required, the department has up to 10 days to provide the copies (which reasonably describes an identifiable record) or the inspection at the earliest opportunity consistent with the workload of that department's staff. In unusual cases (request is "voluminous," seeks records held off-site, or requires consultation with other agencies), the District may, upon written notice to the requesters, give itself an additional 14 days to respond (6253(c)). If records contain exempt and non-exempt material, the exempt portions may be deleted before copying (G.C. Section 6257). The Administrator of a department/division shall justify withholding any record in writing. Copies are provided at the cost of \$0.15 for each letter size copy and \$0.30 for each legal size copy. Upon receipt of this form, you will be notified of the reproduction cost.

Date Requested:	Date Required:	Name: _____	
		Company: _____	
Inspection: <input type="checkbox"/>	Request Approved: <input type="checkbox"/>	Mailing Address: _____	
Copying only: <input type="checkbox"/>	Request Denied: <input type="checkbox"/>		
Inspection & copying: <input type="checkbox"/>	By: _____	Phone _____	Fax _____
	Administrator	Email _____	
Is this request related to litigation or pending litigation involving Imperial Valley College?			Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide the name(s) of the party(ies) involved: _____			
Description of public record (list each document, file, or record separately):			

Office Use Only:

Date Completed:	Completed by:	Department/Division:	Total amount due: \$

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3310 Records Retention and Destruction

References:

Title 5 Sections 59020 et seq.;

Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

“Records” means all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure.

The ~~designate position~~ CEO or Vice Presidents shall supervise the classification and destruction of records and ESI from their respective areas. The District must preserve ESI and ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained or readily usable. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records and ESI.

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

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

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

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

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3410 Nondiscrimination

Nondiscrimination References for Education Programs:

Education Code Sections 66250 et seq.; 200 et seq.; 72010 et seq.;

Title 5 Sections 59300 et seq.,

Penal Code Section 422.55 et seq.;

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard
Catalog Requirements ~~(formerly II.B.2.c) Accreditation Standard 1.6~~

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.

Education Programs

The District shall provide access to its services, classes and programs without regard to, ethnic group identification, gender, gender identity, gender expression, genetic information, pregnancy, race, color, national origin, religion, age, sex, physical disability, mental disability, ancestry, sexual orientation, language, accent, citizenship status, transgender status, parental status, marital status, economic status, veteran status, medical condition, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. ~~national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, 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.~~

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" mean's a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

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

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

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

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of ethnic group identification, gender, gender identity, gender expression, genetic information, pregnancy, race, color, national origin, religion, age, sex, physical disability, mental disability, ancestry, sexual orientation, language, accent, citizenship status, transgender status, parental status, marital status, economic status, veteran status, medical condition, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. ~~race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or status as a Vietnam-era veteran.~~

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.

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3420 Equal Employment Opportunity

Reference:

Education Code Section 87100 et seq.;

Title 5, Section ~~53001~~ 53000, et seq., and Section ~~59320~~ 59300 et seq.

ACCJC Accreditation Standard III.A.12

~~The EEO plan should be a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:~~

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

~~The Plan shall be a public record.~~

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

Annual Evaluation

- ~~An annual survey The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.~~
- ~~An annual report to the State Chancellor's Office of the California Community Colleges of this demographic data. on the results of its annual survey of employees. The report shall identify each employee as belonging to one of the following seven job categories:
 - ~~executive/administrative/managerial~~
 - ~~faculty and other instructional staff~~
 - ~~professional non-faculty~~
 - ~~secretarial/clerical~~
 - ~~technical and paraprofessional~~
 - ~~skilled crafts; and~~
 - ~~service and maintenance.~~~~
- ~~The opportunity for each employee to identify his/her gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she identifies. However, the person may only be counted in one group for reporting purposes.~~
- ~~Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:~~
- ~~Longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the State Chancellor, which may indicate significant underrepresentation of a monitored group.~~

EEO Advisory Committee

- ~~That the District shall establish an EEO Advisory Committee; and~~
- ~~That the advisory committee shall include a diverse membership whenever possible.~~

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

The responsibilities of the Committee shall include but not be limited to the following:

- ~~review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;~~
- ~~advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;~~
- ~~promote communication with community groups and organizations for people with disabilities;~~
- ~~promote hiring of faculty who have, themselves, graduated from a community college;~~
- ~~develop communications among departments to foster understandings of the Plan;~~
- ~~to advise the CEO regarding special training or staff development needs;~~
- ~~review the Plan and monitor its progress;~~
- ~~recommend changes needed in the Plan; and~~
- ~~review and approve the annual written report to the CEO, the Board of Trustees, and the California Community Colleges State Chancellor's Office.~~

Employment Procedures

Job Analysis and Validation: ~~The [designate position] CHRO shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.~~

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

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

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

Recruitment: ~~Recruitment must be conducted actively within and outside of the District work force.~~

~~Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.~~

~~Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, are provided the opportunity to seek employment with the District.~~

~~Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations that primarily serve members of monitored groups that are underrepresented in the District.~~

~~Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.~~

~~**Applicant Pools:** The application for employment shall afford each applicant an opportunity to identify himself/herself voluntarily as to gender, ethnicity and, if applicable, his/her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.~~

~~After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the CHRO or designee. analyzed to determine whether the projected representation has been achieved for monitored groups. If these projections have not been met, the District shall immediately determine whether the failure to meet the projected representation of monitored groups in the initial pool was due to discriminatory practices. If not, the hiring process may continue to the next level. If, however, the District determines that discriminatory practices caused the underrepresentation, the District *[may or shall]* immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the "qualified applicant pool."~~

~~-~~

~~Once the qualified pool is formed, the pool must again be analyzed. If the CHRO or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, may this analysis reveals adverse impact against any monitored group, the District *[may or shall]* shall immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.~~

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

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

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

- ~~• review its recruitment procedures;~~
- ~~• consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;~~
- ~~• consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;~~
- ~~• If significant underrepresentation persists:~~

- ~~○ monitor on an on-going basis;~~
- ~~○ review each locally-established job qualification to determine if it is job related and~~
- ~~○ consistent with business necessity;~~
- ~~○ discontinue the use of any non-job related local qualification; and~~
- ~~○ continue using job-related local qualifications only if no alternative standard is reasonably available; and~~
- ~~○ consider the implementation of additional measures designed to promote diversity.~~

Delegation of Authority

- ~~● The designation of a single person the CHRO as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.~~
- ~~● Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint, the CEO shall oversee the process.~~

Complaint Procedure

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

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

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

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

~~A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.~~

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

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

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

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

~~In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the CHRO as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District's Governing Board and to file a complaint with the Department of Fair Employment and Housing.~~

~~If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the governing board within fifteen days from the date of the notice of the administrative determination. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty-five days of receiving the appeal.~~

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

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

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

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

Job Announcements

~~All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage~~

~~applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex or gender, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.~~

Dissemination and Revision of the Plan

~~All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.~~

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

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

Annual Evaluation

- The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- An annual report to the State Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:
 - executive/administrative/managerial
 - faculty and other instructional staff
 - professional non-faculty
 - secretarial/clerical
 - technical and paraprofessional
 - skilled crafts; and
 - service and maintenance.
- The opportunity for each employee to identify his/her gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she identifies. However, the person may only be counted in one group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this

subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:

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

EEO Advisory Committee

- That the District shall establish an EEO Advisory Committee; and
- That the advisory committee shall include a diverse membership whenever possible.
- The advisory committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

The responsibilities of the Committee shall include but not be limited to the following:

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- promote hiring of faculty who have, themselves, graduated from a community college;
- develop communications among departments to foster understandings of the Plan;
- to advise the Superintendent/President (CEO) regarding special training or staff development needs;
- review the Plan and monitor its progress;
- recommend changes needed in the Plan; and
- review and approve the annual written report to the CEO, the Board of Trustees, and the State Chancellor's Office.

Employment Procedures

Job Analysis and Validation: The Chief Human Resources Officer (CHRO) shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

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

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

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

Recruitment: Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations.

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

Applicant Pools: The application for employment shall afford each applicant an opportunity to identify himself/herself voluntarily as to gender, ethnicity and, if applicable, his/her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the CHRO or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement.

The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool must again be analyzed. If the CHRO or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Screening and Selection: Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity.

NOTE: *Procedures to be used must address or include that:*

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

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

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;

If significant underrepresentation persists:

- review each locally-established job qualification to determine if it is job related; and

- consistent with business necessity;
- discontinue the use of any non-job-related local qualification; and
- continue using job-related local qualifications only if no alternative standard is reasonably available; and
- consider the implementation of additional measures designed to promote diversity.

Delegation of Authority

- The designation of a single person as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

Complaint Procedure

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

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

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

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

A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

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

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

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

In any case that does not involve employment discrimination, the District must provide the State Chancellor's Office with a copy of the investigative report within 90 days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within 90 days from the date the District received the complaint. The State Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the CHRO as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the District's Governing Board and the State Chancellor's Office.

In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the CHRO as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District's Governing Board and to file a complaint with the Department of Fair Employment and Housing (DFEH).

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the governing board within 15 days from the date of the notice of the administrative determination. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within 45 days of receiving the appeal.

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

forwarded to the complainant. The complainant must be notified of his/her right to file a complaint with the DFEH.

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

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

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

Job Announcements

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

Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

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

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

Accountability and Corrective Action

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

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

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5; 44100; 66281.5;
Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. U.S. Code Annotated Section 2000e.

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

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

Definitions:

General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. ~~Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment.~~ Harassment comes in many forms, including but not limited to the following conduct: Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental: A hostile academic or work environment ~~exists~~ may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work educational setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress, internship, or volunteer activity;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment (as more fully described below); or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

~~Examples: Harassment includes, but is not limited to the following misconduct:~~

- ~~• Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing~~

- or ridiculing statements that convey derogatory attitudes about a particular gender.
- ~~Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.~~
 - ~~Visual or Written: The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.~~
 - ~~Environmental: An academic or work environment that is permeated with racially or sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.~~

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the relationship must be reported to one's next level supervisor or appropriate Administrator. The burden of reporting the relationship rests with the supervisor/instructor not the subordinate employee or student. In this situation the District has the authority to transfer any involved employee/student and take any other steps deemed necessary to eliminate or attenuate the supervisory/instructor authority over the other employee or student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee. However, the failure to report a romantic/sexual relationship to one's supervisor/Administrator shall result in disciplinary action.

NOTE: *The following is legally advised.*

Academic Freedom

~~To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.~~ No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3435 Discrimination and Harassment **Complaints and Investigations**

References:

Education Code Section 66281.5;

Government Code Section 12950.1;

Title 5, Sections 59320, 59324, 59326, 59328, and 59300 et seq.;

34 Code of Federal Regulations, Section 106.8(b)

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

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

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

~~Communicating that the Conduct is Unwelcome: The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.~~

~~Oversight of Complaint Procedure: The CHRO is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.~~

~~The actual investigation of complaints may be assigned by the CEO to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the CHRO is named in the complaint or implicated by the allegations in the complaint.~~

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

~~Where to File a Complaint: A student, employee, or third party who believes he/she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.~~

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the State Chancellor's Office. These approved forms are available from the CHRO and at the following URL: www.cccco.edu/divisions/legal/discrimination/discrimination.htm

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

- the CHRO; and/or
- the State Chancellor's Office.

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

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

Any District employee who receives a harassment or discrimination complaint shall notify the CHRO immediately.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the CHRO shall:

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

~~For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.~~

- ~~• Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.~~
- ~~• Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.~~
- ~~• Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant's right to appeal to the District's governing board, and if the complainant is a student, the right to appeal to the State Chancellor. If the complainant is an employee, the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain any other appropriate information.~~
- ~~• Provide the complainant and accused with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant and accused shall also be provided with a written notice setting forth the determination of the [CEO or designee] as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties' rights to appeal to the District's Board of Trustees and the State Chancellor's Office. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused.~~

~~Investigation of the Complaint: The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or~~

~~discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location.~~

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

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

~~Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.~~

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

~~Cooperation Encouraged: All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively.~~

~~However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.~~

~~Discipline and Corrective Action~~

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

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

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

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

~~The District shall also take reasonable steps to protect the complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from~~

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

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

~~Appeals~~

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

~~If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant and to the State Chancellor's Office. The complainant shall also be notified of his/her right to appeal this decision.~~

~~If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.~~

~~The complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.~~

~~In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant may also file a petition for review with the State Chancellor's Office within thirty days after the governing board issues the final decision or permits the administrative decision to become final.~~

~~Within 150 days of receiving a formal complaint, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to~~

comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

Dissemination of Policy and Procedures

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

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

Training

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

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

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

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

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

Education and Prevention for Students

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

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

Complaints

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

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

Informal Complaints

Any person may submit an informal complaint to the Chief Human Resources Officer (CHRO), involving employees, or if it pertains to students, the Chief Student Services Office (CSSO), or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the CHRO or CSSO in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the CHRO or CSSO will notify the person bringing the informal complaint of his/her right to file a formal complaint, if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so.

The complainant may later decide to file a formal complaint, if within the timelines to do so. If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the CHRO or CSSO shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.

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

Formal Complaints

Formal Complaints must be filed with the State Chancellor or the CHRO or CSSO unless the party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Superintendent/President (CEO) or the State Chancellor.

Formal Complaints should be submitted on the form prescribed by the State Chancellor. A copy of the form will be available at the Student Services Office, the President's Office, the Human Resources Office and on our website at: www.imperial.edu.

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

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The complainant must sign and date the Formal Complaint;
- The complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.

- The complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

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

Oversight of Complaint Procedure: The CHRO or CSSO is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints may be assigned by the CEO to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the CHRO or CSSO is named in the complaint or implicated by the allegations in the complaint.

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

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

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

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

- The CHRO or CSSO;
- The CEO; or
- The State Chancellor's Office.

Employment-Related Complaints

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

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

Any District employee who receives a harassment or discrimination complaint shall notify the CHRO immediately.

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

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

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

Communicating that the Conduct is Unwelcome: The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the CHRO shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The CHRO shall also notify the State Chancellor's Office of the complaint.

- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The CHRO should notify the complainant of his/her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.

Investigation

The CHRO shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

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

As set forth above, where the complainant opts for an informal resolution, the CHRO may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether

there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

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

Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

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

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

Written Report

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

- A description of the circumstances giving rise to the Formal Complaint;
- A summary of the testimony provided by each witness interviewed by the investigator;
- An analysis of relevant evidence collected during the course of the investigation;

- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint; and
- Any other information deemed appropriate by the District.

Confidentiality of the Process

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

Administrative Determination

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

Discipline and Corrective Action

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

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

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

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

The District shall also take reasonable steps to protect the complainant from further harassment, or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the

privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

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

Appeals

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

If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant and to the State Chancellor's Office. The complainant shall also be notified of his/her right to appeal this decision.

If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, the complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing.

Extension of Time

Within 150 days of receiving a formal complaint, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

File Retention

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

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

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

Dissemination of Policy and Procedures

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

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

Training

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

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

Training of all staff will be provided. This includes counselors, faculty, health personnel, law enforcement officers, coaches, and all staff who regularly interact with students. Training for academic staff should emphasize environmental harassment in the classroom. The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and

training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

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

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

Education and Prevention for Students

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

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

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3440 Service Animals

References:

Civil Code Sections 54 et seq.;

Penal Code Section 365.5;

The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.;

28 Code of Federal Regulations Part 35;

28 Code of Federal Regulations Part 36;

34 Code of Federal Regulations Part 104.44(b)

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

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

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

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

Service Animal Defined

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

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

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

Exceptions

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

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

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

Assessment Factors for Miniature Horses

The District shall consider the following factors:

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

Control

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

Care or Supervision

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

Inquiries by the District

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

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

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

An individual may choose to produce a county service dog license or identification tag as proof that the animal is a service animal. Licensure or certification is not required in

order to meet the definition of service animal under this procedure. There are no licensing or certification requirements for miniature horses.

No Surcharge

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

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3500 Campus Safety

References:

Education Code Sections 212, 67380, and 87014;
Penal Code Section 245;
20 U.S. Code Sections 1232g, 1292(f);
34 Code of Federal Regulations 668.46;
34 Code of Federal Regulations 99.31(a)(13), (14);
Campus Security Act of 1990

An Annual Security Report shall be developed and provided to students through a handbook/brochure and a link to the website <http://www.imperial.edu/about/campus-safety/clery-act-information/>.

The Campus Safety and Parking Control Office prepares and annually updates a report of all occurrences reported to campus safety of and arrests for crimes that are committed on campus and that involve specific acts of violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and sex offenses as well as 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, and a detailed investigation into the incident.

See BP 3500

**IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3501 Campus Security and Access**

Reference:

34 Code of Federal Regulations Section 668.46(b)(3)
ACCJC Accreditation Standard III.B.I

During business hours, the District will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all District facilities is by key, if issued, or by admittance via Maintenance staff. In the case of periods of extended closing, the District will admit only those with prior approval to all facilities.

Some Campus buildings may have individual hours, which may vary at different times of the year. Examples are the Gymnasium, athletic fields, and the College Center. In these cases, the buildings will be secured according to schedules developed by the department responsible for the facility and the Maintenance Department.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic will have periodic security surveys conducted of them. Administrators from Student Affairs, Maintenance, Campus Safety and Parking Control and other concerned Departments review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the District Facilities Maintenance Director and Campus Safety and Parking Control Office, Maintenance staff and others shall meet to discuss security and access issues of pressing concern.

See BP 3501

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3505 Emergency Response Plan

References:

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

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

General information about the emergency response and evacuation procedures for the District is publicized each year as part of the District's Clery Act compliance efforts and that information is available on the District's web site.

~~<http://www.boarddocs.com/ca/caicd/Board.nsf>~~

http://www.imperial.edu/index.php?option=com_docman&task=doc_view&gid=6177&Itemid=762

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

Upon confirmation or verification by the District that a legitimate emergency or dangerous situation involving an on-going or continuous threat to the health or safety of students or employees occurring on campus, the District will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The District will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Campus Safety and Parking Control Department, Imperial County Sheriff's Office, Imperial County Fire

Department, and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event that a situation arises, either on-campus or off campus, that in the judgment of the Campus Safety and Parking Control Department constitutes an on-going or continuing threat, a campus wide "Timely Warning" will be issued. The warning will be issued through the college notification "Regroup" which will send e-mail, voice and text messages to students, faculty, staff, and Social Media. Additionally, the District will use various other systems for communicating information quickly.

Depending on the particular circumstances of the incident, especially in all situations that could pose an on-going or immediate threat to the health or safety of the campus community and individuals, the Campus Safety and Parking Control may also post a notice on the Student Affairs' electronic marquee, on the electronic marquees located at entrance #2 and entrance #3, and on the Imperial Community College District's (District's) website at <http://www.imperial.edu/> providing the Campus Community with more immediate notification. In such instances, a copy of the notice may be posted throughout the Campus and in ~~of~~ the College Quad. The website is immediately accessible via computer by all faculty, staff, students, and the general public. Anyone with information warranting a timely warning ~~should~~ shall report the circumstances to the Campus Safety and Parking Control Department, ~~by phone to the CSO cell phone~~ (760-483- 7411) or to the Campus Safety and Parking Control Department telephone (760-355-6308) or in person at the Campus Safety and Parking Control Department, Room 902.

Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. The District's Public Information Officer will be responsible for the dissemination of emergency information to the larger community

TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

An evacuation drill is coordinated by the Campus Safety Parking Control Office at least once per year for all facilities on campus. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Campus Safety and Parking Control Department does not establish mandatory locations for evacuation in advance because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In all cases, the Campus Safety and Parking Control Department and District staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. General areas of Evacuation have been established and are specified on the campus Evacuation location map which has been distributed throughout the College Campus and placed on all buildings and classrooms.

Evacuation drills are monitored by the Campus Safety Parking Control Office and District administration to evaluate egress and behavioral patterns. Reports are prepared by _____

participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments and offices for consideration.

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

PURPOSE

The Emergency Response Plan is the District's planned response to all hazards on or affecting the campus or surrounding community. The plan will be activated by the District CEO or his/her delegated representative. The emergency response plan details actions and responsibilities for all employees of the District including those on the Emergency Operations Center (EOC) staff.

RESPONSIBILITY

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

EMERGENCY OPERATIONS CENTER (EOC)

The Emergency Operations Center (EOC) will be activated during emergency situations. The CEO or his/her designated representative will activate the EOC. The EOC may be staffed by one or more key administrators depending on the situation and response. The EOC staff will direct the District's response to the emergency situation, coordination with outside agencies and requests for outside support. The EOC staff will be aided in their duties by Building Evacuation Leaders (BELs) that are trained response personnel from the District employees.

The EOC is composed of key administrators, record keepers, and the ~~individual who is responsible for Administration of Justice Dean of Student Affairs and Enrollment Services/Director of Campus Safety and Parking Control~~. The EOC shall:

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

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

PREPAREDNESS

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

EMERGENCY CHAIN OF COMMAND

Campus Safety Director, 760-355-6456 or 760-355-6457

Chief Executive Officer, 760-355-6218 or 760-355-6219

Chief Business Officer, 760-355-6241 EMERGENCY ASSEMBLY AREAS

Emergency Designated Assembly areas will be listed in the published plan. Additionally, signs designating the Assembly Areas will be posted.

DAY INSTRUCTORS: RESPONSIBILITIES

1. Coordinate evacuation from classroom if necessary.
2. Assist disabled individuals out of buildings without use of elevators.
3. Assess overall situation in classroom.
4. Initiate first aid if qualified individual is available.
5. ~~Report when Move~~ students ~~when it is are~~ safe to move to an emergency assembly point or command post.
6. Assist area managers as necessary.
7. Provide special assistance to any disabled individual in the area.

Remember, in the event of a major disaster, every community college employee automatically becomes a civil defense worker under Government Code Sections 3100-3101.

EVENING INSTRUCTORS: RESPONSIBILITIES

1. Coordinate evacuation from classroom if necessary.
2. Assist disabled individuals out of buildings without use of elevators.
3. Assess overall situation in classroom.
4. Initiate first aid if qualified individual is available.
5. ~~Report when Move~~ students ~~when it is are~~ safe to move to an emergency assembly point or command post.

6. Report to the Campus Safety and Parking Control Department via ~~runner~~ District telephone or cell phone, any casualties, structural damage, and hazardous material spills. ~~and status of volunteer student help control point of command post~~ Campus Safety and Parking Control can be reached by calling 1111 from a District telephone or 760-483-7411 to be connected directly to the Campus Safety Officer on duty, or by calling the Campus Safety and Parking Control office at 760-355-6308.

OTHER EMPLOYEES: RESPONSIBILITIES

1. Follow survival instructions.
2. Evacuate area if necessary.
3. Assess immediate problems if possible.
4. Report to area assembly point when safe.
5. Assist area manager, as needed:
 - a. Performing first aid (if qualified)
 - b. Serving as a communication runner, etc.
 - c. Conducting record keeping and note taking

EARTHQUAKE: RESPONSIBILITIES IN CASE OF EARTHQUAKE

Earthquake Survival Instructions

During the earthquake:

1. Keep calm—do not run or panic.
2. Remain where you are - indoors or outdoors.
3. If indoors, stay indoors. Take cover under desk, table, or bench or in doorways, halls, or against inside walls. Stay away from glass windows or sky lights. Do not use elevators. Do not run outdoors! You may be hit by falling debris or live electrical wires. Be aware that furniture moves in an earthquake.
4. If outdoors, get away from buildings. Go to clear areas and stay away from walls, utility poles, and downed wires that could cause serious injury or death.
5. Do not run through or outside buildings. The greatest point of danger is just outside doorways and close to outer walls.
6. Protect yourself FIRST, then after shaking stops protect and/or help others.

After the earthquake

1. If qualified, give first aid to anyone who is injured. If not, ~~assure~~ ensure that first aid is ~~given by qualified person summoned for the injured person~~.
2. Wear shoes (flat heeled, preferable) in areas near fallen debris and broken glass.
3. Designated employees will clean up debris, glass, and spilled medicines as well as any flammable liquids, bleaches, and gasoline.
4. Restrict phone use to emergencies only.
5. Be prepared for aftershocks. These are usually smaller than the main quake, but some may be large enough to do additional damage to structures weakened during the main shock.

EXPLOSIONS: RESPONSIBILITIES IN CASE OF EXPLOSION

In the event of an explosion in the building, employees should:

1. Take cover under tables, desks, or other such objects that will give protection against flying glass and debris.
2. Set off fire alarm. Stay at the fire alarm, if safe to do so.
3. Phone emergency ~~/switchboard number—extension 0 or~~ dispatcher by dialing ~~dia~~ 9-1-1 to be connected to the Sheriff's Office Dispatcher.
4. After the effects of the explosion have subsided, determine if evacuations are necessary.
5. If evacuation is necessary, exit building as directed. Seek out any disabled persons and provide assistance. Assign blind students a guide. Assist wheelchair students or assign them a guide to get them to lobby near elevator.
6. Upon leaving the building, proceed to designated emergency assembly areas and await further instructions.

FIRE: RESPONSIBILITIES IN CASE OF FIRE.

1. Use fire alarm box and stay at the box until emergency personnel arrive if fire is too large to fight.
2. If you are not near an alarm box, phone Emergency ~~/Switchboard or Fire Department~~ 9-1-1 to be connected to the Sheriff's Office Dispatcher.
3. If fire can be easily extinguished, attempt to do so after notification is made.
4. Seek out and assist disabled persons in the area.
5. Evacuate the building if necessary, closing fire doors.
6. If evacuated, proceed to designated emergency area for further instructions. Be prepared to account for all persons in your class, under your control.

EVACUATION: RESPONSIBILITIES IN CASE OF EVACUATION

The purpose of any evacuation will be to empty a building or area of all occupants as quickly and safely as possible.

1. Building Evacuation: In most cases that require the evacuation of only one building (fire, explosion, bomb threat), occupants should proceed to a clear or safe area near the evacuated building as shown on emergency evacuation route posted in classrooms.
2. General Evacuation: When orders are given to evacuate a building (such as after an earthquake or major disaster), occupants should proceed to the main evacuation assembly area e.g. north lawn area.
3. Key administrators or other emergency personnel will be available to direct evacuees to clear or safe areas.
4. Evacuation of disabled persons will be given the highest priority. They should be evacuated by the most expeditious and safe means available. Turn lights

on and off to alert hard of hearing to the emergency. Assign a guide to blind students. Carry pencil and paper to write messages, if necessary.

5. Wheelchair students should be assisted to area near elevator if working. If not working, make arrangements to carry them down the staircase.
6. When evacuating building, occupants should walk, remain quiet, grasp handrails, and follow all other emergency instructions.
7. Occupants will gather in the designated emergency assembly area and await further instructions.
8. Do not re-enter the building until instructed to do so by Command Post personnel.

BOMB THREATS: RESPONSIBILITIES IN CASE OF BOMB THREATS

Employees receiving a bomb threat or discovering a bomb or similar device should immediately notify the Campus Safety and Parking Control Department by dialing 1111 to reach the Campus Safety Officers cell phone, or call the Campus Safety and Parking Control Department by dialing 760-355-6308 switchboard by dialing 0 or dial 9-1-1 to be connected to the Sheriff's Office Dispatcher. ~~or dial 1111 or 760-483-7411 for a Campus Safety Officer.~~

- 1) If a bomb threat is received by phone, ask:
 - a) When is the bomb going to explode?
 - b) Where is the bomb right now?
 - c) What kind of bomb is it?
 - d) What does it look like?
 - e) Why did you place the bomb?
- 2) Keep the caller on the phone as long as possible. Record the following information for emergency personnel:
 - a) Time of call
 - b) Date of call
 - c) Exact words of person
 - d) Sex, age
 - e) Speech pattern or accent
 - f) Background noises
- 3) If a bomb threat is received by mail, employees should:
 - a) Not handle the envelope or package
 - b) Leave the immediate area
 - c) Notify the Campus Safety and Parking Control Department switchboard ~~(extension 0 or 911)~~ and stop anyone from entering the area or handling the written note.
- 4) If a suspicious object is discovered, the employees should:
- 5) Not attempt to touch or move the object or use any radio equipment.
- 6) Evacuate immediate area only.
- 7) Notify the Campus Safety and Parking Control Department switchboard

~~(extension 0 or 911)~~ and await further instructions ~~from operator~~.

CHEMICAL SPILL: RESPONSIBILITIES IN CASE OF CHEMICAL SPILL

- 1) Any campus spillage of a dangerous chemical shall be reported immediately. Phone the Campus Safety and Parking Control Department switchboard, extension 0 or 911 to be connected to the Sheriff's Office Dispatcher or dial by dialing 1111 from a District telephone or 760-483-7411 for a Campus Safety Officer. When reporting, be specific about the nature of the involved material and the campus location. The ~~switchboard~~ Campus Safety and Parking Control Department will contact the necessary specialized authorities and medical personnel.
- 2) Vacate the affected area at once and seal it off to prevent further contamination of others.
- 3) Anyone who may be contaminated because they were in the immediate area affected by the spill is to avoid contact with others as much as possible, remain in the vicinity, and give their names to the Director of Facilities Services or his/her designee. Required first aid and clean up by specialized authorities should be initiated at once.
- 4) If necessary, because of the danger involved or if directed to do so by the District personnel, activate the building fire alarm system and follow the remaining steps.
- 5) Evacuate the building by quickly walking to the nearest exit, alerting people as you go. Leave the elevators for disabled persons and assist them as necessary.
- 6) Direct any disabled persons to the elevator areas when they are located on floors above or below ground level until further direction is received from District personnel. Assist disabled individuals in exiting the building on ground level floors.
- 7) Flash the lights on and off to alert deaf or hard-of-hearing students. Write notes to explain what is happening. Assign a guide for blind students. Assign an assistant for wheelchair students.
- 8) Once outside, move to a clear area at least ~~50~~ 100 feet away from the affected building. If fumes are present, move cross wind, not upwind. Keep the walkways clear for emergency vehicles.
- 9) To the best of your ability and without re-entering the building, assist District personnel in their attempt to determine that everyone has been evacuated safely.
- 10) An emergency command post will be established. Keep clear of the command post unless there is important information to report.
- 11) Do not return to a building until told to do so or until it is announced that all is clear.

REPORTING EMERGENCIES NOT PREVIOUSLY COVERED:

- 1) The quickest and easiest way to obtain professional help for any type of emergency not specifically covered by these procedures is to phone the Campus Safety and Parking Control Department operator for assistance. Dial extension ~~0 or 911 to be connected to the Sheriff's Office Dispatcher or dial~~ 1111 or 760-483-7411 for a Campus Safety Officer, or 760-355-6308 for the Campus Safety and Parking Control Department.
- 2) When calling, stay calm and carefully explain the problem and location ~~to the~~

~~operator. If the switchboard number is busy call extension 6306 or~~ by calling 760-355-6308 during daytime ~~hours, during or evening hours call extension 6308 or 944~~ to be connected to the Campus Safety and Parking Control Department or dial 9-1-1 to be connected to the Sheriff's Office Dispatcher. ~~or dial 1411 or 760-483-7411 for a Campus Safety Officer.~~

- 3) Quickly notify the Campus Safety and Parking Control Department, ~~Dean~~ or your immediate supervisor of the emergency and begin to take the appropriate action warranted by the situation.
- 4) If a sign language interpreter is needed to facilitate communication between off campus hospital personnel and an injured deaf person, arrangements can be made by calling the DSPS Department.
- 5) ~~COMMEND – Communication Medical Emergency Network for the deaf at 1-800-422-7444 or LIFESIGNS at 1-800-633-8883 v/tdd.~~

REMAIN CALM – HELP OTHERS REMAIN CALM.

See BP 3505

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3510 Workplace Violence Plan

Reference:

Cal/OSHA; Labor Code Sections 6300 et seq.;

Title 8, Section 3203;

Code of Civil Procedure Section 527.8;

Penal Code Sections 273.6; 626.9; 626.10; ~~and 12021~~

The Imperial Valley Community College District is committed to providing a safe work environment that is free of violence and the threat of violence.

Responding to Threats of Violence

The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence ~~of~~ or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution. (See also AP 5500, Standards of Student Conduct and current CTA Contract, Article 7).

Should an employee, during work hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action.

The following actions are considered violent acts:

- Striking, punching, slapping or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching or touching another person in an unwanted way, whether sexually or otherwise.
- Engaging in dangerous, threatening, or unwanted horseplay.
- Possession, use, or threat of use, of a firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct, that implies the threat of bodily harm.

- Bringing or possessing ~~any weapon on the campus~~ any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized, in writing, by the District to have the weapon, or is a duly appointed peace officer who is engaged in the performance of his/her duties.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to his/her supervisor or other appropriate person.

No one, acting in good faith, which initiates a complaint or reports an incident under this policy, will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, District Representatives will immediately take action and contact law enforcement personnel.

Violent Acts should be reported to:

- If situation is a critical emergency: On-campus dial 911
- Security
- Chief Human Resources Officer
- Associate Dean of Student Affairs
- Superintendent/President

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3515 Reporting of Crimes

Reference:

Education Code Section 212, 67380, 67383 and 87014;

Penal Code Sections 245 and 422.55;

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998; 20 United States Code Section 1232g;

34 Code of Federal Regulations Parts 99.31(a) (13), (14) and 668.46;

Campus Security Act of 1990

In the event an employee is assaulted, attacked or menaced by a student, the employee shall notify his/her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted or menaced shall assist the employee to promptly report the attack or assault to the appropriate law enforcement authorities including the Campus Safety and Parking Control Office. The supervisor himself/herself shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment.

The District shall publish warnings to the campus community about the following crimes:

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;

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

The District may disclose the final results of disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. The District may also disclose to anyone, the final results of a disciplinary proceeding in which it concludes that a student violated District policy with respect to a crime of violence or non-forcible sex offense. The offenses that apply to this permissible disclosure are:

- Arson;
- Assault offenses;
- Burglary;
- Criminal homicide – manslaughter by negligence;
- Criminal homicide – murder and non-negligent manslaughter;
- Destruction, damage, or vandalism of property;
- Kidnapping or abduction;

- Robbery;
- Forcible sex offenses.

The disclosure may only include the final result of the disciplinary proceeding with respect to the alleged criminal offense. The District shall not disclose the name of any other student, including a victim or witness, unless the victim or witness has waived his/her right to confidentiality.

Reporting of Crimes

When criminal activity is observed or suspected the person, Student, Employee, or Visitor who is first aware of the incident shall notify a Campus Safety Officer (CSO) by calling (760) 483-7411 or the Campus Safety and Parking Control Office at (760) 355-6308. If it is an emergency, call 911 and then afterwards inform the Campus Safety Office of the location and details of the observation by completing an incident report. Include in the incident report any losses or damaged property, along with estimated costs. If the incident was first reported to local law enforcement, be sure to include the case number and Officer's name.

The Campus Safety and Parking Control Office must be notified of all crimes occurring on campus or in conjunction with a college activity or location. If you are a Pastoral Counselor or Professional Counselor and a crime has been reported to you, you are encouraged, when appropriate, to inform the person to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

You may print an Incident Report form using this link, <http://www.imperial.edu/about/campus-safety/how-to-report-an-incident/>, from the Imperial Community College District's website and then turning in the completed report form to the Campus Safety and Parking Control Office, room 902.

Students or employees may also report criminal incidents to persons designated as a Campus Security Authority (CSA). The following people or positions have been designated by the Imperial Community College District as a CSA:

1. Vice President For Student Services
2. Dean Student Affairs and Enrollment Services
3. Campus Safety Officers
4. Athletic Director
5. Clinical Mental Health Counselor, Student Health Services
6. Athletic Coaches
7. Faculty Advisor to Student Groups
8. Club Advisors

You can remain anonymous when reporting a crime. When possible all personal/identifying information will stay confidential. For injuries or illnesses involving an employee, contact the Human Resources Office to obtain an Injury and Illness Report form. Criminal action or other emergency refers to loss/damage to college property, loss/damage to personal property, criminal activity or an injury involving a student or visitor (occurring on campus or participating in a college activity).

The college encourages all persons on campus, to practice low-risk defensive behavior, and to be especially alert at night. Students and others are advised to park in well-lit and trafficked areas and to always lock their vehicle. Students should not pickup strangers or accept rides from people they do not know.

Accurate and Prompt Crime Reporting

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Campus Safety and Parking Control Office in a timely manner.

To report a crime, an emergency, a public safety matter, or a medical emergency occurring on the Campus call Campus Safety and Parking Control Office at extension 1111 or call extension 6306/6308 or call the Campus Safety Officers cellular telephone at 760-483-7411. Campus Safety and Parking Control incident reports are forwarded to the Dean of Student Affairs for review and potential action.

For emergency assistance with a life threatening incident call 911 to be directly connected to the Sheriff's Office Dispatch Center.

Crime reports can also be made to a Campus Security Authority (CSA). Imperial Community College District has designated the following officials and positions as being Campus Security Authorities';

1. Vice President for Student Services
2. Dean Student Affairs and Enrollment Services
3. Campus Safety Officers
4. Athletic Director
5. Clinical Mental Health Counselor, Student Health
6. Athletic Coaches
7. Faculty Advisor to Student Groups
8. Club Advisors

If assistance is required from the Imperial County Sheriff's Office or the Imperial County Fire Department the Campus Safety and Parking Control Office will contact the appropriate agency. If a sexual assault or rape should occur, staff on the scene,

including Campus Safety and Parking Control Office, will offer the victim a wide variety of services.

The Imperial County Sheriff's Office has a Sexual Assault Crisis Team that has trained members who are available to assist a victim 24 hours a day.

Crimes should be reported to the Campus Safety and Parking Control Office to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community.

Crimes reported to an outside law enforcement agency should also be reported to Campus Safety and Parking Control Office to ensure inclusion in the Annual Security Report and for evaluation of the need to issue a Timely Warning to the Campus community.

Any report of criminal violations committed on or off campus, that is received by a campus security authority and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to the Imperial County Sheriff's Office. The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of his/her right to have his/her personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency.

See BP 3515

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3516 Registered Sex Offender Information

Reference:

Penal Code 290, 290.01, 290.95;

34 Code of Federal Regulations Part 668;

42 U.S. Code Section 14071j;

20 U.S. Code Section 1092(f)(1)(I) and 1232g (b)(7)(A) (Campus Sex Crimes Prevention Act);

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: Campus Safety and Parking Control Office.

Information concerning registered sex offenders can be obtained from Campus Safety and Parking Control Office and the California Department of Justice Megan's Law Website, <http://www.meganslaw.ca.gov/>.

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3518 Child Abuse Reporting

Reference:

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;

Welfare and Institutions Code Sections 300, 318, and 601;

Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892

The District recognizes the responsibility of its staff to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Mandated reporters include faculty, educational administrators and classified staff. Volunteers are not mandated reporters, but are encouraged to report suspected abuse or neglect of a child.

Child abuse can be any of the following (as defined in Penal Code Section 11165.1):

- A physical injury inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child.
- The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. This is whether the harm or threatened harm is from acts or omissions on the part of the responsible person.
- The willful harming or endangerment of the person or health fo a child, any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition.

"Reasonable suspicion" occurs when "it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position drawing when appropriate on his/her training and experience, to suspect child abuse" (Penal Code Section 11166(a)).

A child protective agency is a police or sheriff's department, a county probation department, or a county welfare department. School district police or security departments are not child protective agencies (Penal Code Section 11165.9).

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident (Penal Code Section 11172(a)). Reporting is an individual responsibility. An employee making a report cannot be required to disclose his/her identity to the employer (Penal Code Section 11166(h)). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (Penal Code Section 11172(e)).

Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she

knows or reasonable suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to the designated agency immediately or as soon as practically possible by phone and shall prepare and send a written report **within 36 hours** of receiving the information concern in incident (Penal Code 11166(a)). The written report may be mailed or submitted by facsimile or electronic transmission.

California County Emergency Response Child Abuse Reporting Hotline
Imperial County 760-337-7750
Direct Line: 760-339-6126

Suspected Child Abuse Report Form:
Form SS8572
<https://oag.ca.gov/childabuse/forms>

Mail to:
2999 South 4th Street
El Centro, CA 92243

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false. (Penal Code Section 11172(a))

When the CEO, CIO, CSSO, or the Director of Child, Family & Consumer Sciences releases a minor pupil to a peace officer for the purpose of removing the minor from the campus, the District official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken (Education Code Section 87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Penal Code Section 11165 or pursuant to Welfare and Institutions Code Section 305. In those cases, the official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency; and parental consent is not required for release of student information under the Family Education Rights and Privacy Act, or the California Student Records Act (Education Code Sections 76200 et seq.).

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167(b)).

The District shall provide a mandated reporter with a statement informing the employee that he/she is a mandated reporter and inform the employee of his/her reporting obligations under Penal Code Section 11166 and of his/her confidentiality rights under subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his/her employment and as a prerequisite to that employment, employee shall sign and return the statement to the District. The signed statements shall be retained by the District (Penal Code Section 11166.5).

The District will distribute this procedure to all employees.

See BP 3518

NEWNAP

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3520 Local Law Enforcement

References:

Education Code Section 67381;

34 Code of Federal Regulations Part 668.46

The College recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of the College. All persons on the Campus are subject to these laws and rules at all times. While the College is private property, and Constitutional protections apply, law enforcement officers may enter the campus to conduct business as needed. All law enforcement agencies are expected to check in with the Campus Safety and Parking Control Office when on campus.

The Campus Safety and Parking Control Office enjoys an especially good relationship with the Imperial County Sheriff's Office (ICSO). The response time of the ICSO to campus is prompt for emergency calls. The exercise of authority is described in a "memorandum of understanding" (MOU) between ICSO and the Imperial Community College District that outlines the jurisdiction over which types of offenses will be turned over to the ICSO for arrest and prosecution. Campus Safety Officers have no arrest authority beyond that of an ordinary citizen. These Campus Safety Officers may make an arrest in the event a felony is committed in his or her presence. However, as a matter of course, the arrest and prosecution of individuals accused of crimes occurring on campus is the responsibility of the ICSO.

Campus Safety Officers are expected to render all possible assistance provided such assistance can be given without significantly endangering the officer or others not involved in the crime.

As noted in the introduction and the emergency policies, the ICSO is notified of all prosecutable crime on campus, and is immediately notified of crimes via the telephone. The College also relies on the telephone to contact the county emergency dispatch center for fire and emergency medical needs. All victims are offered an opportunity to report crimes to ICSO where appropriate under the MOU.

Annually, the ICSO is provided with a summary of all crime occurring on campus. Frequent meetings or telephone conversations between the Sheriff (and/or his designee) and the director of campus safety allow for exchanges of routine information on a timely basis. Additionally, special needs are communicated between agencies as they occur.

See BP 3520

**IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3530 Weapons on Campus**

Reference:

Penal Code Sections 626.9 and 626.10

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or at any District center, or in any facility of the District.

Activities involving firearms or other weapons as are described as prohibited weapons in this policy, conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the Campus Safety Officer ~~at 760 355-6308~~ or to a Campus Safety Officer at 760 483-7411 before taking place.

Any person who believes that he/she may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the Campus Safety Officer at 760 355-6308 or to a Campus Safety Officer at 760 355-7411.

Prohibited Weapons:

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches, folding knife with a blade that locks into place, razor with an unguarded blade, Taser, or stun gun, as defined in Penal Code subdivision (a) of Section 244.5, any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, any spot marker gun, or operable or inoperable replica handgun or rifle, upon ~~the District~~ grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his/her duties.

This policy shall not apply to the approved possession or use of weapons by the Administration of Justice or Peace Officer Standard and Training (P.O.S.T.) programs that have received authorization for the use of weapons during an approved course of instruction.

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IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3540 Sexual and Other Assaults on Campus

Reference:

Education Code Section 67385; 20 U.S.C. § 1092(f);
34 C.F.R. § 668.46(b) (11)

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. A student found guilty of violating the College sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the College for the first offense. (See also AP 5500, Standards of Student Conduct.)

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. Forcible Rape

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault with an Object

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses-Non-forcible / Unlawful, non-forcible sexual intercourse.

A. Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.

All students, faculty members staff members, or visitors who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Campus Safety and Parking Control Office, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Campus Safety and Parking Control Office is authorized to release such information. The Human Resource Office shall be notified of all serious criminal events that have been reported to the Campus Safety and Parking Control.

The Director of Campus Safety and Parking Control shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the District's policy and procedure regarding sexual assault;
- A description of available services, and the persons on campus available to provide those services if requested.
- Referral to the Imperial County Sheriff's Office, with the consent of the victim, for collection of evidence and/or the criminal prosecution of responsible persons.
- transportation to a hospital, if necessary; counseling or referral to a counseling;
- A description of each of the following procedures:
 - criminal prosecution;
 - District disciplinary procedures, both student and employee;
 - modification of class schedules;

All alleged victims of sexual assault shall be kept informed, through the Campus Safety and Parking Control Office of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim or witness of sexual assault, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults shall be referred to President's Office, which shall work with District legal Advisor to assure that all confidentiality rights are maintained.

Education and Prevention Information

The Campus Safety and Parking Control Office and the Student Affairs Office shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about sexual assault. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.

- Post sexual violence prevention and education information on the campus internet website.
- The Campus Safety and Parking Control Office educates the student community about rape, acquaintance rape, and other forcible and non-forcible sex offenses through mandatory freshman orientation each fall. The Campus Safety and Parking Control Office offers sexual assault education and information programs to students and employees upon request. Literature on date rape education, risk reduction, and the College's response is available through the Campus Safety and Parking Control Office.

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Campus Safety and Parking Control Office strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a Campus Safety Officer or to the Imperial County Sheriff's Office (ICSO). Filing a report with the Campus Safety and Parking Control Office or the ICSO will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- ensure that you receive the necessary medical treatment and tests, at no expense to you
- the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally the victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- ensure you have access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention

When a sexual assault victim contacts the Campus Safety and Parking Control Office, the ICSO will be notified as well. A representative from the Student Affairs Office will also be notified although no identifying information of the victim will be released. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the Campus Safety and Parking Control Office, or only the latter. A Campus Safety Officer will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the College through the Student Health Center, Employee Assistance, and the Psychological and Counseling Center. Counseling and support services outside the College system can be obtained by referral from the ICSO.

College disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the Student Handbook. The Handbook provides, in part, that the accused and the victim will each be allowed to choose one person to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing. A student found guilty of violating the College sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the College for the first offense.

Student victims have the option to change their academic situations after an alleged sexual assault, if such changes are reasonably available.

For additional information and resources on sexual assault, domestic violence, dating violence, and stalking in the educational/campus environment, the Department of Justice has established a clearinghouse of resources geared towards colleges and universities, which can be accessed at the California Attorney General's website.

See BP 3540

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3550 Drug Free Environment and Drug Prevention Program

Reference:

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

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

Health Risks of Drug and Alcohol Abuse

Drug addiction is a brain disease. Although initial drug use might be voluntary, drug abuse have been shown to alter gene expression and brain circuitry, which in turn affect human behavior. Once addiction develops, these brain changes interfere with an individual's ability to make voluntary decisions, leading to compulsive drug craving, seeking and use. The impact of addiction can be far reaching. Cardiovascular disease, stroke, gastrointestinal, musculoskeletal effects, kidney and liver damage, cancer, HIV/AIDS, hepatitis, and lung disease can all be affected by drug abuse. Some of these effects occur when drugs are used at high doses or after prolonged use, however, some may occur after just one use (NIH).

Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease.

Counseling, Treatment, Rehabilitation

The District provides a Student Health Center which offers Mental Health Counseling and Basic First Aid and care for minor illnesses. It also provides access to wellness information via the online resource Student Health 101. Assistance is available to employees through Holman Professional Counseling Center, Employee Assistance Program.

Prohibition of Drugs

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or any unlawful 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. The unlawful possession, sale, manufacture or distribution of any controlled substance is not only prohibited by District policy but is also illegal under both state and federal laws, and may result in criminal prosecution, fine and imprisonment.

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 days of any conviction for violating a criminal drug statute while in the workplace.

See BP 3550

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3560 Alcoholic Beverages

References:

Business and Professions Code Sections 24045.4, 24045.6, and ~~25608~~ 25658
34 Code of Federal Regulations Section 668.46(b)

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the Campus Safety and Parking Control Office Department. The campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted.

The unlawful possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Campus Safety and Parking Control Office. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.

It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is ~~beer or wine for~~ used in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the CIO.
- The alcoholic beverage is for use during a non-college event at the College Center, 2700 building, 2131 building, or the art center which are built on District property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- The alcoholic beverage is wine that is for use during an event sponsored by the District or an organization operated for the benefit of the District, in connection with the District's instructional program in viticulture or the District's instructional program in enology, or an event that has been approved through the facilities use agreement.

- The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained under this division for special events held at the facilities of a public community college during the special event. "Special event" means events that are held with the permission of the governing board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.
- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the District or an organization operated for the benefit of the District at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility
- The alcoholic beverage is for use during a fundraiser ~~or community event~~ held to benefit a nonprofit corporation that ~~organizer~~ has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.
- The alcoholic beverage is acquired, possessed, or consumed pursuant to a license or permit obtained for special events held at facilities of a community college district at a time when pupils are not on the grounds. "Facilities" includes, but are not limited to, office complexes, conference centers, or retreat facilities.
- Alcoholic beverages will not be served or sold to anyone under the age of 21. The organizers of events involving alcoholic beverages will exercise due diligence in ensuring that personal safety and conduct issues are addressed, including providing security personnel at the discretion of the District.
- No alcoholic beverage can be acquired, possessed, or used at an athletic event sponsored by the District or any other organizer.

It shall be the policy of the Board that, in accordance with Board Policy BP 3550 Drug Free Environment and Drug Prevention Program, alcoholic beverages may not be possessed, sold, and/or consumed on District owned or operated properties except under the following circumstances:

When, with approval of the CEO, the alcoholic beverage is acquired, possessed, or used in connection with a course of credit, non-credit, or not for credit instruction.

When, with the approval of the CEO, the District recognizes the opportunities for the District to host events on campus and authorizes approval of alcoholic beverages on campus.

When, with the approval of the CEO, the alcoholic beverage is acquired, possessed, or used during fundraisers held to benefit a nonprofit corporation that has obtained an appropriate license. Such events shall, through appropriate administrative procedures, be approved in accordance with BP 6700 Civic Center and Other Facilities Use.

All activities and programs shall be conducted in a manner consistent with public peace and safety. Any person under the influence of intoxicating liquor shall be denied access to District owned or operated property and/or subject to enforcement of applicable laws.

Alcoholic beverages shall not be served on campus except in accordance with these administrative procedures.

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3570 ~~Smoking on Campus~~ Smoke and Tobacco-Free District

Reference:

Government Code Sections 7596, 7597, 7597.1, and
7598; Labor Code Section 6404.5;
Title 8 Section 5148

1. It is the policy of Imperial Valley College to provide a tobacco free environment for its students, faculty, staff, administrators, visitors and the general public while on this campus. The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke, nor does the EPA recognize a safe level of exposure to environmental tobacco smoke.
2. Effective the first day of the Fall Semester 2009, Imperial Valley College shall be a tobacco- free campus. The smoking or use of any tobacco products shall be prohibited on any District properties. The sale of tobacco products on campus is prohibited.
3. Appropriate signs shall be posted at all entrances to campus grounds.
4. Smoking shall be prohibited at all times in all vehicles on campus.
5. The smoking prohibition applies to passenger vehicles and all other state-owned mobile equipment to include light and heavy trucks, cargo and passenger vans, buses, and any other mobile equipment with an enclosed or enclosable driver/passenger compartment.
6. Smoking is defined as inhaling, exhaling, burning, or carrying a lighted or vapor-producing tobacco product.
7. Tobacco is defined as all tobacco-derived or containing products, including, but not limited to, cigarettes (clove, bidis, kreteks), electronic cigarettes, cigars and cigarillos, hookah smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff).

See BP 3570

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3600 Auxiliary Organizations

References:

Education Code Sections 72670 et seq.;

Government Code Sections 12580 et seq.;

Title 5 Sections 59250 et seq.

Definitions

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

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

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

CEO: The term CEO (chief executive officer) as used herein means the Chancellor or Superintendent of the District or designee.

District: The term District as used herein means the Imperial Community College District.

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

Recognition and Establishment of Auxiliary Organizations

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

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

The process of recognition shall be as follows:

- When the CEO receives a request to establish an auxiliary organization, the CEO shall submit a recommendation concerning the establishment of said organization to the Board of Trustees within three months.
- The Board of Trustees shall hold a public hearing on each recommendation concerning the establishment of an auxiliary organization.
- At a subsequent scheduled meeting after the public hearing, the board shall announce its decision concerning the establishment of the organization, and, if approved, authorize the functions it may perform, identify the number and category or categories of the board of directors and approve contractual arrangements.

At such time as the District recognizes an auxiliary organization, it shall submit to the 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.

Recognized Services, Programs and Functions

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 have been determined to be appropriate:

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

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.

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

Authority and Responsibility of Auxiliary Organizations

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

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

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

Composition of Boards of Directors

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

Student Associations or Organizations: The board of directors shall consist primarily of students. The ~~designate position~~ Associated Student Government President may attend and participate in meetings of the board of directors in order to advise on policy and to provide for the control and regulation required by Education Code Section 76060.

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

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

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

Conduct of Boards of Directors

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

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

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

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

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

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

Bylaws

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

- The number of members of the board of directors, the categories from which members shall be selected and the method by which they shall be selected.
- The size of the board of directors.
- That at least one public business meeting will be held each quarter.
- The time table for the preparation and adoption of its program and annual budget and the submission of both for review to the CEO.

- That an attorney admitted to practice in this state and a licensed certified public accountant shall be selected to provide advice and counsel to the board of directors. Each shall have experience appropriate to the responsibility and shall have no financial interest in any contract or other transaction entered into by the board which he/she serves. Neither the attorney nor the certified public accountant needs to be a member of the board of directors.
- The procedures for approving expenditures.
- The procedures for accepting gifts, donations, bequests, trusts and specially funded grants and other income.

Master Agreement between District and Auxiliary Organizations

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

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

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

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

- The services, programs, or functions the auxiliary organization is to manage, operate or administer.
- A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.
- The areas of authority and responsibility of the auxiliary organization and the District or College.
- The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.
- The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.
- Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the

auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith reimbursement value to such non-monetary benefits. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be as mutually determined.

- A mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs.).
- The responsibility for maintenance and payment of operating expenses.
- Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The board of directors shall file with the CEO a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.
- The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.
- The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
- The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Education Code Sections 72670-72682 and with Title 5 Sections 59250 et seq. as well as District Board Policy.
- The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.
- The understanding that the auxiliary organization shall not enter into any contract or other business arrangement involving real property either by lease involving payments of more than \$25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with the CEO.

Personnel

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

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

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

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

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

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

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

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

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

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

Accounting and Reporting for Auxiliary Organizations

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

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

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

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

Funds derived from indirect cost payments shall only be appropriated with the specific approval of the CEO. All uses of such funds shall be regularly reported to the District's governing board.

Should the CEO 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 CEO 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 CEO until further review is accomplished and an appropriate adjustment is made.

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

~~NOTE: The following language applies only if auxiliary organizations receive or accrue in any fiscal year gross revenues of \$2 million or more.~~

If the auxiliary organization receives or accrues in any fiscal year gross revenue of two million dollars (\$2,000,000) or more, it shall also include in its bylaws an audit committee appointed by the board of directors. The audit committee may include

persons who are not members of the board of directors, but the member or members of the audit committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the auxiliary committee has a finance committee, it must be separate from the audit committee.

Members of the audit committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the corporation. Subject to the supervision of the board of directors, the audit committee shall be responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the board of directors.

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

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

Records and Annual Report of Auxiliary Organizations

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

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

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

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

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.

Annual Audit

Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Chancellor. Copies of the annual audit report shall be submitted to the Board of Trustees and to the 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.

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

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

Insurance

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

- Comprehensive liability;
- Property and extended coverage, when applicable;
- All risks, money and securities;
- Fidelity and performance bonds covering its chief fiscal officer;
- Automotive liability when applicable; and
- Workers' Compensation

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

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

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

Auxiliary Organizations: Use of Facilities

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

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

List of Auxiliary Organizations in Good Standing

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

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

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

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

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

If the auxiliary organization is dissolved or ceases operations upon removal from the list of organizations in good standing, its net assets and liabilities shall be distributed

according to the terms of the written agreement between the organization and the District.

Limitation on Transfer of Funds to Auxiliary Organizations

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

Compliance Review by CEO

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 CEO shall designate the individual to conduct this review, which shall be conducted at the end of the first complete fiscal year after its establishment and at least once every three years thereafter.

When the CEO'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 CEO and to the board of directors of the auxiliary organization. The board of directors shall reply in writing within one month, either describing the actions which will be taken, including time table, to bring said procedures and practices into compliance; or describing the reasons why the board considers the procedures already to be in compliance.

If the CEO'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 CEO and to the board of directors.

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

Revision of Rules and Procedures and Reports to the State Chancellor's Office

Rules and procedures for the administration of auxiliary organizations may be revised as necessary by the CEO or designee. The board of directors of each auxiliary organization in good standing shall be promptly notified in writing of such revisions and

be informed of the date by which any changes in the organization's procedures must be accomplished.

Any such revisions shall be submitted to the State Chancellor's Office for approval.

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

~~Revised 2/05, 2/06, 8/06, 2/08, 3/12~~

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3715 Intellectual Property

Reference:

17 USC Sections 101 et seq.;

35 USC Sections 101 et seq.;

37 Code of Federal Regulations Sections 1.1 et seq.

The following intellectual property procedure shall be interpreted consistent with other District policies, including, but not limited to, the District's policy on academic freedom and federal and state statutes and regulations. This procedure shall also be interpreted consistent with all collective bargaining agreements.

Definitions

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

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

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

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

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

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

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

“Employee” means an individual employed by the District, and shall include full-time and part-time faculty, classified staff, student employees, appointed personnel, persons with

“no salary” appointments, and academic professionals, who develop intellectual property using District resources, unless there is an agreement providing otherwise.

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

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

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

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

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

Ownership of Intellectual Property

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

Employee Intellectual Property Rights

A District employee who is the creator of an academic work in his or her field of expertise owns the copyright in that work. Academic works include textbooks, lecture notes and other course materials, literary works, artistic works, architectural works and software produced with no more than nominal or incidental use of the District’s resources. Academic works described in this paragraph are owned by the employee even though such works may have been developed within the employee’s scope of employment.

Intellectual property unrelated to an individual’s employment responsibilities at the District, and that is developed on an individual’s own time and without the District’s

support or use of District facilities is the exclusive property of the creator and the District has no interest in any such property and holds no claim to any profits resulting from such intellectual property.

District Intellectual Property Rights

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

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

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

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

Student Intellectual Property Rights

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

- (1) intellectual property created to meet course requirements using college or District resources, and
- (2) intellectual property created using resources available to the public. Intellectual property works created by students while acting as District employees shall be governed under provisions for employees.

Modification of Ownership Rights

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

Sabbatical Works

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

Assignment of Rights

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

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

Sponsorship Agreements

A sponsored work is a work first produced by or through the District in the performance of a written agreement between the District and a sponsor. Sponsored work generally include, interim and final technical reports, software, and other works first created in the performance of a sponsored agreement. Sponsored works do not include journal articles, lectures, books, or other copyrighted works created through independent academic effort and based on the findings of the sponsored project, unless the sponsored agreement states otherwise. Ownership of copyrights to sponsored works shall be with the District unless the sponsored agreement states otherwise. Where a sponsorship agreement does not define ownership of the intellectual property, ownership shall be determined under applicable law. Any sponsorship agreement that provides

for ownership of the work by one other than the District generally shall provide the District with a nonexclusive, world-wide license to use and reproduce the copyrighted work for education and research purposes.

Collaboration/Partnership Agreements

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

Special Commissions

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

Use of Substantial District Resources

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

Encoded Works/Software for Administrative Activities

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

Collective Bargaining Agreement

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

Jointly Created Works

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

Work Acquired by Assignment or Will

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

Materials Implicating Third Party Rights

District employees and students must comply with District policies and state and federal laws, including copyright and privacy laws, in creating works. District employees and students must obtain all required licenses, consents, and releases necessary to avoid infringing the rights of third parties. District employees and students with questions or concerns regarding third party rights should direct all inquires to [Librarian](#).

Intellectual Property Coordinator

The [CIO](#) shall be the District's Intellectual Property Coordinator. The coordinator shall administer this procedure and will implement the District's Intellectual Property Policy. The Intellectual Property Coordinator will also monitor the development and use of the District's intellectual property. Any questions relating to the applicability of the District Intellectual Property or this procedure may be directed and answered by the Intellectual Property Coordinator.

Preservation of Intellectual Property Right

Protection of Rights; The District shall undertake such efforts, as it deems necessary to persevere its rights in original works for which the District is the sole or joint owner of intellectual property rights. The District may apply for a patent, for trademark registration, for copyright registration, or for other protection available by law on any new work in which it maintains intellectual property rights.

Payment of Costs

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

Commercialization of Intellectual Property Right of Commercialization

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

Distribution of Proceeds

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

Intellectual Property Account; The District shall deposit all net proceeds from commercialization of intellectual property in its own general intellectual property account. The [insert authorized position] may use the account to reimburse expenses related to creating or preserving the District's intellectual property rights or for any other purpose authorized by law and District policy including the development of intellectual property.

Notification

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

~~Note: The following forms are provided as resource samples; local practice may be used instead. Including them in the Administrative Procedure manual is optional. Legal counsel should be consulted for final approval or review of the agreement.~~

~~Form A: Work Made For Hire Agreement~~

~~Course Materials~~

~~This Agreement made the [date] day of [month], 20[year], by and between [name of author] ("Author," and if there is more than one author then all of them collectively) and [name of District] ("District").~~

~~The author and the district agree as follows:~~

~~1. Title and Copyright Assignment~~

~~(a) Author and District intend this to be a contract for services and each considers the products and results of the services to be rendered by Author hereunder (the "Work") to be a work made for hire. Author acknowledges and agrees that the Work (and all rights therein, including, without limitation, copyright) belongs to and shall be the sole and exclusive property of District.~~

~~(b) If for any reason the Work would not be considered a work made for hire under applicable law, Author does hereby sell, assign, and transfer to District, its successors and assigns, the entire right, title and interest in and to the copyright~~

~~in the work and any registrations and copyright applications relating thereto and any renewals and extensions thereof, and in and to all works based upon, derived from, or incorporating the work, and in and to all income, royalties, damages, claims and payments now or hereafter due or payable with respect thereto, and in and to all causes of action, either in law or in equity for past, present, or future infringement based on the copyrights, and in and to all rights corresponding to the foregoing throughout the world.~~

~~(c) If the work is one to which the provisions of 17 U.S.C. § 106A apply, the Author hereby waives and appoints District to assert on the Author's behalf the Author's moral rights or any equivalent rights regarding the form or extent of any alteration to the work (including, without limitation, removal or destruction) or the making of any derivative works based on the work, including, without limitation, photographs, drawings or other visual reproductions of the work, in any medium, for District purposes.~~

~~(d) Author agrees to execute all papers and to perform such other proper acts as District may deem necessary to secure for District or its designee the rights herein assigned.~~

~~2. Delivery of the Work~~

~~(a) The Author will deliver to the District on or before [date] the completed work (with all illustrations, charts, graphs, and other material, including syllabi, handouts, reference lists, etc., in the medium mutually agreed upon for the work) in form and content satisfactory to the District.~~

~~(b) If the Author fails to deliver the work on time, the District will have the right to terminate this agreement and to recover the Author any sums advanced in connection with the work. Upon such termination, the Author may not have the work published elsewhere until such advances have been repaid.~~

~~3. Quoted Material~~

~~With the exception of short excerpts from others' works, which constitute fair use, the work will contain no material from other copyrighted works without a written consent of the copyright holder. The Author will obtain such consents at his or her own expense after consultation with the District and will file them with the District at the time the work is delivered. Any obligations associated with permissions will be the responsibility of the Author.~~

~~4. Author's Warranty~~

~~The Author warrants that he or she is the sole owner of the work and has full power and authority to make this agreement; that the work does not infringe any copyright, violate any property rights, or contain any scandalous, libelous, or unlawful matter. The Author will defend, indemnify, and hold harmless the District and/or its licensees against all claims, suits, costs, damages, and expenses that the District and/or its licensees may sustain by reason of any scandalous, libelous, or unlawful matter contained or alleged~~

~~to be contained in the work or any infringement or violation by the work of any copyright or property right; and until such claim or suit has been settled or withdrawn, the District may withhold any sums due the Author under this agreement.~~

~~5. Consideration~~

~~In consideration for delivery of the work in accordance with the provisions of this Agreement, District shall pay Author [amount].~~

~~6. Revisions~~

~~[Choose one paragraph.]~~

~~The Author shall retain the right to revise the work [insert time, such as at one year intervals] during the term of this agreement in accordance with academic standards. The Author further agrees to update the work within [insert length of time, such as 90] days upon the receipt of a written request from the District. The provisions of this agreement shall apply to each revision of the work by the Author as though that revision were the work being published for the first time under this agreement. In the event that the Author is unable or unwilling to provide a revision within [insert length of time, such as 90] days after the District has requested it, or should the Author be deceased, the District may have the revision made and charge the cost against sums due the Author under Section 5 above, if any, and may display, in the revised work and in advertising, the name of the person or persons who perform the revision.~~

~~Or;~~

~~This paragraph has been deleted because the Author's contribution is not a work expressing academic expertise requiring periodic review and revision.~~

~~7. Term and Termination~~

~~(a) This agreement shall remain in effect for [insert the length of time, such as three (3)] years unless terminated earlier in accordance with this Section 7.~~

~~(b) In the event that either party shall be in default of its material obligations under this agreement and shall fail to remedy such default within [insert length of time, such as sixty] days after receipt of written notice thereof, this agreement shall terminate upon expiration of the [insert length of time, such as sixty] day period.~~

~~(c) Upon the expiration of the term of this agreement, the parties may agree to renew this agreement for an additional [insert length of time, such as three] year term, upon the same terms and conditions as set forth herein.~~

~~8. Options/ Contracts with Third Parties~~

~~Nothing contained in Section 7 shall affect any license or other grant of rights, options, or agreements made with third parties prior to the termination date or the rights of the District in the income resulting from such agreements.~~

~~9. Amendments~~

~~The written provisions contained in this agreement constitute the sole and entire agreement made between the Author and the District concerning this work, and any amendments to this agreement shall not be valid unless made in writing and signed by both parties.~~

~~10. Construction, Binding Effect, and Assignment~~

~~This agreement shall be construed and interpreted according to the laws of the State of California and shall be binding upon the parties hereto, their heirs, successors, assigns, and personal representatives; and references to the Author and to the District shall include their heirs, successors, assigns, and personal representatives.~~

~~IN WITNESS WHEREOF, the parties have duly executed this agreement as of the date first written above.~~

~~[Insert signature lines for author and district designee]~~

~~Form B: Contract under which Employee Keeps Copyright of the Work and Gives District a License to Use/Exploit Work~~

~~Course Materials~~

~~This Agreement made the [date] day of [month], 20[year], by and between [name of author] (“Author,” and if there is more than one author then all of them collectively) and [name of District] (“District”).~~

~~Recitals~~

~~The Author will be the sole contributor of copyrightable expression to the educational course materials anticipated to result from this project. The District will be contributing significant kinds and/or amounts of District resources. The Parties recognize that under law, the District is obligated to obtain appropriate consideration for the transfer of state resources. In furtherance of their mutual objectives, the Parties agree to allocate certain of their rights and responsibilities as set forth in this agreement.~~

~~The author and the District agree as follows:~~

~~1. Rights Granted~~

~~[Choose one of the following paragraphs.]~~

~~Nonprofit Educational Uses; The Author hereby grants to the District for the full term of this agreement the non-exclusive right to copy, distribute, display, perform, transmit, and publish for nonprofit educational purposes the educational course materials entitled: [name of work] (hereinafter called “Work”).~~

~~Or~~

~~Non-exclusive Commercial License; The Author hereby grants to the District for the full term of this agreement the non-exclusive right to copy, distribute, display, perform,~~

~~transmit, publish and sell throughout the world the educational course materials entitled: [name of work] (hereinafter called "Work"). This license grant also includes, without limitation, the rights to the Work listed in Paragraph 8 below, with authority to license those rights in all countries and in all languages.~~

~~Or~~

~~Exclusive Commercial License; The Author hereby grants to the District for the full term of this agreement the exclusive right to copy, distribute, display, perform, transmit, publish and sell throughout the world the educational course materials entitled: [name of work] (hereinafter called "Work"). This license grant also includes, without limitation, the rights to the Work listed in Paragraph 8 below, with authority to license those rights in all countries and in all languages.~~

~~2. Delivery of the Work~~

~~(a) The Author will prepare and deliver to the District on or before [date] the completed work (with all illustrations, charts, graphs, and other material, including syllabi, handouts, reference lists, etc., in the medium mutually agreed upon for the work) in form and content satisfactory to the District.~~

~~(b) If the Author fails to deliver the work on time, the District will have the rights to terminate this agreement and to recover from the Author any sums or other resources advanced in connection with the work. Upon such termination, the Author may not have the work published elsewhere until such advances have been repaid.~~

~~3. Quoted Material~~

~~With the exception of short excerpts from others' works, which constitute fair use, the work will contain no material from other copyrighted works without a written consent of the copyright holder. The Author will obtain such consents at his or her own expense after consultation with the District and will file them with the District at the time the work is delivered. Any obligations associated with permissions will be the responsibility of the Author.~~

~~4. Publication of the Work~~

~~The work shall be distributed, transmitted or published by the [District/Author] as soon as circumstances permit after receipt, at its own expense, in such manner as the [District/Author] shall deem appropriate.~~

~~5. Copyright Registration~~

~~The Author authorizes the District to register copyright in the work in the Author's name in the United States and elsewhere as the District may elect.~~

~~6. Author's Warranty~~

~~(a) The Author warrants that he or she is the sole owner of the work and has full power and authority to make this agreement; that he or she has made a good faith effort to follow the District's Intellectual Property Policy and Procedures and that the work does not infringe any copyright, violate any property rights, or contain any scandalous, libelous, or unlawful matter.~~

~~(b) To the extent that an act of Author that results in a claim of copyright infringement was authorized by the District's Intellectual Property Policy and Procedures, in accordance with that Policy and to the extent authorized by the Constitution and laws of the State of California, the District, will defend, indemnify and hold harmless the Author against all claims, suits, costs, damages and expenses that the Author may sustain by reason of such infringement or violation by the work of any copyright.~~

~~(c) In all other cases, the Author will defend, indemnify, and hold harmless the District and/or its licensees against all claims, suits, costs, damages and expenses that the District and/or its licensees may sustain scandalous, libelous, or unlawful matter contained or alleged to be contained in the work of any infringement or violation by the work of any copyright or property rights; and until such claim or suit has been settled or withdrawn, the District may withhold any sums due the Author under this agreement.~~

~~7. Consideration~~

~~(a) District will contribute the following resources to the creation of the work:~~

~~[List: Materials, Hardware, Software, Technical Assistance, Other Assistance, Videotaping, Programming, Teaching Load Credit, or Funding.]
[Choose one of the following paragraphs.]~~

~~(b) The parties shall share in any revenues from the commercialization of the work as follows: District will first recover its resource contribution in the amount of \$_____, then the Parties shall share profits 50% to the District and 50% to all Authors (to be shared evenly among the Authors if more than one.)~~

~~Or~~

~~(c) The parties shall share in any revenues from the commercialization of the work as follows: The Parties shall share profits 50% to the District and 50% to all Authors (to be shared evenly among the Authors if more than one.)~~

~~(d) The Parties do not anticipate commercial exploitation of the work and so have not addressed District's recovery of its contribution or allocated royalty percentages to either Party.~~

~~8. Subsidiary Rights~~

~~[Choose the paragraph below that corresponds to the paragraph chosen for Section 1.]~~

~~Nonprofit Educational Uses; The District has been granted a limited right to use the work for nonprofit educational purposes only and therefore does not need subsidiary rights and all such rights are retained by the Author.~~

~~Or~~

~~Non-exclusive Commercial License; The District shall have the right to license, sell, or otherwise dispose of the following rights in the work; Publication or sale by book clubs; reprint rights; foreign rights; translation rights; publication in anthologies, compilations,~~

~~digests, condensations; first and second serial rights (in one or more installments); dramatic, motion picture, and television rights; broadcast by radio; recordings; electronic, mechanical, and visual reproduction; computer programs; microprint, microfiche, and microfilm editions; syndication rights; permission rights (quotations, excerpts, illustrations, etc.); any other rights to the work not specifically enumerated; and otherwise utilize the work and material based on the work.~~

~~Or~~

~~Exclusive Commercial License; The District shall have the sole right to license, sell, or otherwise dispose of the following rights in the work: Publication or sale by book clubs; reprint rights; foreign rights; translation rights; publication in anthologies, compilations, digests, condensations; first and second serial rights (in one or more installments); dramatic, motion picture, and television rights; broadcast by radio; recordings; electronic, mechanical, and visual reproduction; computer programs; microprint, microfiche, and microfilm editions; syndication rights; permission rights (quotations, excerpts, illustrations, etc.); any other rights to the work not specifically enumerated; and otherwise utilize the work and material based on the work.~~

9. Revisions

~~The Author shall retain the right to revise the work [at one year intervals] during the term of this agreement in accordance with academic standards. The Author further agrees to update the work within ninety (90) days upon the receipt of a written request from the District. The provisions of this agreement shall apply to each revision of the work by the Author as though that revision were the work being published for the first time under this agreement. In the event that the Author is unable or unwilling to provide a revision within ninety (90) days after the District has requested it, or should the Author be deceased, the District may have the revision made and charge the cost against the Author's royalties and may display, in the revised work and in advertising, the name of the person or persons who perform the revision.~~

10. Term and Termination

~~[Choose this first set of paragraphs if the District was granted an Exclusive Commercial License in Section 1.]~~

~~(a) This agreement shall remain in effect for [insert length of time, such as three (3)] years unless terminated earlier in accordance with this Section 10. Upon expiration of the term and any renewal term[s] agreed upon pursuant to Section 10(d), or upon earlier termination in accordance with Sections 10(b) or~~

~~(b), The rights granted in the work shall revert to the Author, subject to retention by the District of the non-exclusive, perpetual right and license to use the work for internal nonprofit educational purposes and to use the structure and organization of the work as a guide for the creation of a new course.~~

~~(c) In the event that either party shall be in default of its material obligations under this agreement and shall fail to remedy such default within [insert length of time, such as~~

~~sixty] days after receipt of written notice thereof, this agreement shall terminate upon expiration of the [insert length of time, such as sixty] day period.~~

~~(d) The work shall be considered to be “in use” if it is made available by District for distribution or transmission, offered for sale or licensed for distribution, transmission or sale during the term of this agreement. If the District fails to keep the work in use and the Author makes a written request of the District to terminate this agreement, the District shall notify the Author in writing of the District’s decision in the matter within [insert length of time, such as sixty] days after receipt of the written request. If the District elects to keep the work in use, it shall have [insert length of time, such as six] months thereafter to comply. If the District elects not to keep the work in use or fails to comply with the [insert length of time, such as six] months deadline (unless the failure is due to circumstances beyond its control), then this agreement shall terminate.~~

~~(e) Upon the expiration of the term of this agreement, the parties may agree to renew this agreement for an additional [insert length of time, such as three (3)] year term, upon the same terms and conditions as set forth herein.~~

~~[Choose this second set of paragraphs if the District has either a Nonprofit Educational Use License or a Non-exclusive Commercial License in Section 1.]~~

~~(a) This Agreement shall remain in effect for [insert length of time, such as three (3)] year(s) unless terminated earlier in accordance with this Section 10. Upon expiration of the term and any renewal term(s) agreed upon pursuant to Section 10(c), or upon earlier termination in accordance with Section 10(b), the rights granted in the work shall revert to the Author, subject to retention by the District of the non-exclusive, perpetual right and license to use the work for internal nonprofit educational purposes and to use the structure and organization of the work as a guide for the creation of a new course.~~

~~(b) In the event that either Party shall be in default of its material obligations under this Agreement and shall fail to remedy such default within sixty (60) days after receipt of written notice thereof, this Agreement shall terminate upon expiration of the [insert length of time, such as sixty] day period.~~

~~(c) Upon the expiration of the term of this Agreement, the parties may agree to renew this Agreement for an additional [insert the length of time, such as three] year term, upon the same terms and conditions as set forth herein.~~

~~11. Options/Contracts with Third Parties~~

~~Nothing contained in Section 10 shall affect any license or other grant of rights, options, or agreements made with third parties prior to the termination date or the rights of the District in the income resulting from such agreements.~~

12. Amendments

~~The written provisions contained in this agreement constitute the sole and entire agreement made between the Author and the District concerning this work, and any amendments to this agreement shall not be valid unless made in writing and signed by both parties.~~

13. Construction, Binding Effect, and Assignment

~~This agreement shall be construed and interpreted according to the laws of the State of California and shall be binding upon the parties hereto, their heirs, successors, assigns, and personal representatives; and references to the Author and to the District shall include their heirs, successors, assigns, and personal representatives.~~

~~IN WITNESS WHEREOF, the parties have duly executed this agreement as of the date first written above.~~

~~[Insert signature lines for author and district designee]~~

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 3720 Computer and Network Use

Reference:

~~Education Code Section 70902;~~

17 U.S. Code Sections 101 et seq.;

Penal Code Section 502, Cal. Const., Art. 1 Section 1;

Government Code Section 3543.1(b);

Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

~~The following is an illustrative example:~~

The District computer and network systems are the sole property of Imperial Community College District. They may not be used by any person without the proper authorization of the District. The Computer and Network systems are for District instructional and work related purposes only.

This procedure applies to all District students, faculty and staff and to others granted use of District information resources. This procedure refers to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all computer and computer communication facilities owned, leased, operated, or contracted by the District. This includes personal computers, workstations, mainframes, minicomputers, and associated peripherals, software and information resources, regardless of whether used for administration, research, teaching or other purposes.

Conditions of Use

Individual units within the District may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines and/or restrictions.

Legal Process

This procedure exists within the framework of the District Board Policy and state and federal laws. A user of District information resources who is found to have violated any of these policies will be subject to disciplinary action up to and including but not limited to loss of information resources privileges; disciplinary suspension or termination from employment or expulsion; and/or civil or criminal legal action.

Copyrights and Licenses

Computer users must respect copyrights and licenses to software and other on-line information.

Copying – Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

Number of Simultaneous Users – The number and distribution of copies must be handled in such way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

Copyrights – In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of computer information is prohibited in the same way that plagiarism or any other protected work is prohibited.

Integrity of Information Resources

Computer users must respect the integrity of computer-based information resources.

Modification or Removal of Equipment – Computer users must not attempt to modify or remove computer equipment, software, or peripherals that are owned by others without proper authorization.

Unauthorized Use – Computer users must not interfere with others access and use of the District computers. This includes but is not limited to: the sending of chain letters or excessive messages, wither locally or off-campus; printing excess copies of documents, files, data, or programs, running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.

Unauthorized Programs - Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive program will result in disciplinary action as provided in this procedure, and may further lead to civil or criminal legal proceedings.

Unauthorized Access

Computer users must not seek to gain unauthorized access to information resources and must not assist any other persons to gain unauthorized access.

Abuse of Computing Privileges – Users of District information resources must not access computers, computer software, computer data or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. For example, abuse of the networks to which the District belongs or the

computers at other sites connected to those networks will be treated as an abuse of District computing privileges.

Reporting Problems – Any defects discovered in system accounting or system security must be reported promptly to the appropriate system administrator so that steps can be taken to investigate and solve the problem.

Password Protection – A computer user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others without permission of the system administrator.

Usage

Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to the system or to another person's information are a violation of the District procedure and may violate applicable law.

Unlawful Messages – Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state or other law or District policy, or which constitute the unauthorized release of confidential information.

Commercial Usage – Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions (see Commercial Use, below). Some public discussion groups have been designated for selling items by [insert names of groups, if any] and may be used appropriately, according to the stated purpose of the group(s).

Information Belonging to Others – Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, or passwords belonging to other users, without the permission of those other users.

Rights of Individuals – Users must not release any individual's (student, faculty, and or staff) personal information to anyone without proper authorization.

User Identification – Users shall not send communications or messages anonymously or without accurately identifying the originating account or station.

Political, Personal and Commercial Use – The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state and local laws regarding sources of income, political activities, use of property and similar matters.

Political Use – District information resources must not be used for partisan political activities where prohibited by federal, state or other applicable laws.

Personal Use – District information resources should not be used for commercial purposes. Users also are reminded that the “.cc” and “.edu” domains on the internet have rules restricting or prohibiting commercial use, and users may not conduct activities not appropriately within those domains. personal activities not related to District functions, except in a purely incidental manner. If the District otherwise grants access to the District’s email system for personal use, employees may use the District’s email system to engage in protected concerted activity during non-work time.

Commercial Use - District information resources should not be used for commercial purposes. Users also are reminded that the “.cc” and “.edu” domains on the Internet have rules restricting or prohibiting commercial use, and users may not conduct activities not authorized within those domains.

Nondiscrimination

All users have the right to be free from any conduct connected with the use of [name of district] Imperial Community College District network and computer resources which discriminates against any person on the basis of [insert list from Board Policy on nondiscrimination]. No user shall use the District network and computer resources to transmit any message, create any communication of any kind, or store information which violates any District procedure regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

Disclosure

No Expectation of Privacy – The District reserves the right to monitor all use of the District network and computer to assure compliance with these policies. Users should be aware that they have no expectation of privacy in the use of the District network and computer resources. The District will exercise this right only for legitimate District purposes, including but not limited to ensuring compliance with this procedure and the integrity and security of the system.

Possibility of Disclosure – Users must be aware of the possibility of unintended disclosure of communications.

Retrieval - It is possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.

Public Records –The California Public Records Act (Government Code Sections 6250 et seq.) includes computer transmissions in the definition of “public record” and nonexempt communications made on the District network and computer must be disclosed if requested by a member of the public.

Litigation – Computer transmissions and electronically stored information may be discoverable in litigation.

Dissemination and User Acknowledgment

All users shall be provided copies of these procedures and be directed to familiarize themselves with them.

A “pop-up” screen addressing the e-mail portions of these procedures shall be installed on all e-mail systems. The “pop-up” screen shall appear prior to accessing the e-mail network. Users shall sign and date the acknowledgement and waiver included in this procedure stating that they have read and understand this procedure, and will comply with it. This acknowledgement and waiver shall be in the form as follows:

Computer and Network Use Agreement (Sample Language)

I have received and read a copy of the District Computer and Network Use Procedures and this Agreement dated, _____, and recognize and understand the guidelines. I agree to abide by the standards set in the Procedures for the duration of my employment and/or enrollment. I am aware that violations of this Computer and Network Usage Procedure may subject me to disciplinary action, including but not limited to revocation of my network account up to and including prosecution for violation of State and/or Federal law.

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3725 Social Media Participation Protocols

By using any Imperial Valley College Social Media site, persons posting are acknowledging they have read, understand and will abide by these protocols.

As an institution of higher learning, Imperial Valley College embraces the free and open exchange of ideas. To that end, the District is committed to free speech.

IVC believes in fostering a thriving online community, We support the various channels of social networking – Facebook, Instagram, Twitter, YouTube, etc. – as valuable tools for engaging students, staff, faculty, alumni, friends and supporters in a constructive two-way dialogue about the District and its mission.

At the same time, the long-term value, vibrancy and success of any social media community depends upon a shared philosophy of how to behave. It's important that members of the IVC community become familiar with regulations on all social media sites IVC uses as well as student conduct policies that may apply. The emphasis for all participants – including site administrators – should always be transparency, honesty, respect and civility.

Safety is a top priority on the Imperial Valley College campus. All of IVC's social media platforms are monitored. Any social media post that is perceived as a threat... direct, indirect or veiled threats directed towards the IVC campus, its students, faculty or staff will be dealt with quickly and local law enforcement officials will be notified. This includes the threat of harm, violence, or any other form of communication that sends fear and panic to the IVC community.

All content, information and views expressed on social media belong to the individuals posting the content, and do not necessarily reflect the official policies or positions of the Imperial Community College District or its Board of Trustees. The District is not responsible for unanswered posts or inaccurate information posted by others.

Here are guidelines for engaging in IVC social media platforms:

- Be respectful of the rights and opinions of others. Be willing to agree to disagree and move on.
- Stay on topic. IVC social media sites are established as forums for the open and honest discussion of matters and developments related to – and limited to – the District's mission: "... *to foster excellence in education that challenges students of every background to develop their intellect, character, and abilities; to assist students in achieving their educational and career goals; and to be responsive to the greater community.*"
- Be transparent and honest.
- Add value: Be part of the conversation but don't take it over.

- Avoid hateful speech, personal attacks, "flaming," profanity, vulgarity, pornography, nudity and abusive language.
- Keep personal information (e.g. your phone number and address) out of your posts.
- Think before you write/post: Everything you write or post to a social media site – words, pictures, video – is public or can be discovered. If you post anything on any IVC site, you consent that it can be published and waive any expectation of privacy regarding the post. What you choose to add to the conversation today will live on long after the subject matter has come and gone as a topic of conversation.
- We encourage you to post comments and "like" articles, photos and videos you enjoy.

On our Facebook and other social media platforms, our goal is to post interesting, entertaining and educational content; we welcome your comments and suggestions. We encourage conversation and dialogue, but we want to ensure a respectful online environment and invigorating conversation for the broader IVC community. IVC page administrators review posts and comments regularly to ensure any issues or concerns are addressed in a timely manner.

We may or may not reply to comments, but if it's provocative, fair and insightful, chances are others will engage in the conversation.

We reserve the right to determine and remove from IVC social media sites any of the following:

- **Comments, links, images or videos that are illegal or encourage illegal activity, or are obscene, defamatory/libelous/slanderous, indecent, lewd, lascivious, sexually harassing or explicit in nature, or pose risks to the health or safety of individuals;**
- **Comments that personally attack or threaten any person;**
- **For students, anything that would violate District policies regarding student regulations**
- **For staff and faculty, anything that would violate District policies regarding staff and faculty regulations**
- **Successive off-topic posts by one or more individuals or groups;**
- **Repetitive posts copied and pasted or duplicated by one or more individuals or groups;**
- **Solicitations or advertisements; and**
- **Any materials that infringe upon the intellectual property or other rights of any third party.**

If you have a concern about any posted content, or about any content that has been removed by a site administrator, please email socialmedia@imperial.edu.

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3750 Use of Copyrighted Material

References:

Education Code Sections 32360 and 67302;
U.S. Code Title 17, Copyright Act of 1976;

Employees and students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the “fair use” doctrine.

Fair Use

Reference:

Copyright Act, Section 107

The “fair use” doctrine permits limited use of copyrighted materials in certain situations, including teaching and scholarship. In some instances, copyright may be required for works that fall within “fair use.”

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his/her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book
- B. An article from a periodical or newspaper
- C. A short story, short essay or short poem, whether or not from a collective work
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper

II. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below; and
- B. Meets the cumulative effect test as defined below; and
- C. Each copy includes a notice of copyright

Definitions:

Brevity:

- i. Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or (b) from a longer poem, an excerpt of not more than 250 words.
- ii. Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. (Each of the

- numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)
- iii. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
 - iv. "Special" works: Certain works in poetry, prose, or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "i" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

Spontaneity:

- i. The copying is at the instance and inspiration of the individual teacher; and
- ii. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect:

- i. The copying of the material is for only one course in the school in which the copies are made.
- ii. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- iii. There shall not be more than nine instances of such multiple copying for one course during one class term. (The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

III. Prohibitions

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
- B. There shall be no copying of or from works intended to be "consumable" in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C. Copying shall not:
 - i. substitute for the purchase of books, publisher's reprints or periodicals
 - ii. be directed by higher authority
 - iii. be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual cost of the photocopying.

Compilations

References:

Basic Books, Inc. v. Kinko's Graphics Corp. (S.D.N.Y. 1991) 758 F.Supp. 1522; and Princeton University Press v. Michigan Document Services, Inc. (6th Cir. 1996) F.3d 1381

Permission from the copyright owner should be obtained when using excerpts of copyrighted work to create anthologies or “course packs,” even if the excerpts fall under the definitions in the “fair use” doctrine.

Online Courses

References:

The TEACH (Technology, Education and Copyright Harmonization) Act;
U.S. Code 17, Copyright Act, Sections 110(2) and 112

The Teach Act provides instructors greater flexibility to use third party copyrighted works in online courses. An individual assessment will be required to determine whether a given use is protected under the Act. The following criteria are generally required:

- The online instruction is mediated by an instructor.
- The transmission of the material is limited to receipt by students enrolled in the course.
- Technical safeguards are used to prevent retention of the transmission for longer than the class session.
- The performance is either of a non-dramatic work or a “reasonable and limited portion” of any other work that is comparable to that displayed in a live classroom session.
- The work is not a textbook, course pack, or other material typically purchased or acquired by students for their independent use and retention, including commercial works that are sold or licensed for the purposes of digital distance education.
- The District does not know, or have reason to know, that the copy of the work was not lawfully made or acquired.
- The District notifies students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder.

~~Obtaining Permission to Use Copyrighted Material~~

~~**Note:** Insert local procedures that describe the process faculty and others shall use to obtain permission to use copyrighted material.~~

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3810 Claims for Damages

Reference:

Education Code Section 72502;

Government Code Sections 900 et seq. and 910 et seq.

Claims Required

All claims against the District for money or damages not otherwise governed by the Tort Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this procedure, "claims") shall be presented within the time and in the manner prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this administrative procedure.

Form of Claim

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

Claim Prerequisite to Suit

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

Suit

Any action brought against the District upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the Imperial Community College District shall conform to the requirements of Section 950-951 of the California Government Code.

- ~~• The forms to be used to submit claims;~~
- ~~• That claims must be submitted using the designated forms;~~
- ~~• If a claim is not submitted on the designated form, it will be returned;~~
- ~~• Any claim returned may be resubmitted using the proper form;~~
- ~~• Where claim forms can be obtained;~~
- ~~• Where they have to be turned in;~~
- ~~• Timelines that comply with Government Code; and~~
- ~~• Requirements the insurer or JPA has requested of the District.~~

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 3820 Gifts

Reference:

Education Code Section 72122

- ~~Responsible personnel or office~~
- ~~Criteria for accepting donations or gifts~~
- ~~Forms, if any~~
- ~~How gifts are reported or submitted to board for acceptance~~

(Note: ~~11/14/07 Legal Counsel/Gifts Policy/Institution Gifts~~)

The Imperial Valley College Foundation Office has been designated by the CEO to be responsible for the acceptance, processing, and stewardship of gifts, as well as the coordination of all fundraising activities for the district.

Generating private support for Imperial Community College District is one of the major institutional priorities of the district. To be most effective and serve the best interests of the district, fundraising efforts must be related to the district purpose, mission, vision, and values; be carefully coordinated; and be aligned with the district's annual planning and evaluation processes.

Gift Solicitation

In order to ensure proper coordination, all gift solicitations of funds or property in the name of Imperial Valley College must be preapproved by the President's Office. This includes fundraising activities sponsored by the Associated Student Government or by other student groups. The purpose of coordinating all fundraising activities through the President's Office includes:

- A. To avoid conflict and duplication of efforts in the fundraising programs.
- B. To maximize the contributions from each donor.
- C. To provide continuity for understanding of and support for funding needs throughout the district.
- D. To ensure that all gifts are properly acknowledged.
- E. To ensure that accurate records of all gifts are maintained.
- F. To ensure that all contributions are received through a 501(c)3 nonprofit organization and comply with Internal Revenue Service (IRS) regulations.

Faculty, staff, and students are encouraged to undertake fundraising and solicitation activities. Anyone who seeks to engage in any fundraising activity in the name of

Imperial Valley College from individuals, business, industry, foundations, community organizations, or others must follow the guidelines set forth in this policy.

Before pursuing formal discussions with any potential donor for support of Imperial Valley College, approval is required by the Foundation Office Executive Director. This includes approval of any written documents, mailing lists, and other related documents used for solicitation.

Gift Acceptance

All gifts that the District accepts will be processed by the Foundation Office. Only in extremely unusual circumstances, with the approval of the CEO, will gifts be deposited in a District trust account. In that circumstance, the name, address, amount of gift, and purpose will be provided to the Foundation Office.

A. The purpose for which the gift is given must be consistent with the stated purpose, goals, objectives, and educational philosophy of Imperial Community College District.

B. All gifts must be within IRS regulations governing charitable contributions and cannot be restricted for the donor's direct benefit.

C. No gift shall be accepted with an intent that is so restrictive as to make the gift's use unnecessarily difficult.

D. The nature of the gift, the identity of the donor, and the kind of program that the gift is intended to support must be carefully evaluated in order to avoid placing the district or the foundation in an undesirable position.

E. The cost of accepting a noncash gift must be considered in advance (i.e. delivery, storage, permanent installation, operation, and maintenance). If foundation or general district funds are needed to secure, store and/or install, operate, or maintain the gift, these funds must be requested and obtained before accepting the gift.

F. Noncash donations (art, furniture, equipment, etc.) must be approved by the CBO before acceptance.

Board Notification of Gifts

The Foundation Office will report to Imperial Community College District Board of Trustees annually the gifts accepted by the superintendent/president for the benefit of the District.

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3900 Speech: Time, Place, and Manner
(formerly numbered AP 5550)

References:

Education Code Sections 76120 and 66301

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

The college(s) of the District is/are a non-public forums, except for the following areas, which are reserved for expressive activities which do not violate District policy and which are lawful (the amphitheater). This area is chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt educational and other activities of the District on behalf of students:

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

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

- ~~Persons using and/or distributing material in the areas shall not impede the progress of passersby, nor shall they force passersby to take material.~~
- No person using the areas shall touch, strike or physically impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.
- Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place at that time.
- Persons using the areas reserved for expressive activities shall not disrupt the orderly operation of the college.

Non-student, community groups wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, must provide notification to check in with the District through the CEO with at least three business days in advance of the activities and must describe the nature of the planned prior to engaging in the activities. No illegal activities will be permitted, no activities which violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will

substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas, as described below. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the District will offer alternative available areas or if none are available offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities through the use of optional reservation forms.

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

Posting

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