NOTE: This procedure is legally required. Local practice may be inserted.

A campus safety plan shall be developed and provided to students. The District has developed and maintains an Emergency Preparedness Plan which is available on the Cabrillo website at www.cabrillo.edu. Other resources available to students include banners/flyers that identify safety specific messages. These safety programs are administered through Student Services and Administrative Services but vetted via the college Safety Committee.

The Santa Cruz County Sheriff's Office, Cabrillo College Division prepares and annually updates a report of all occurrences reported to campus security personnel of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and of all occurrences of noncriminal acts of hate violence reported to campus authorities. A written report will be submitted to the Board.

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

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

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

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

ASM: 8/14/14
VPAS:
Cabinet:
PPTF:
CPC:
Chapter Three: General Institution

AP 3501
CAMPUS SECURITY AND ACCESS

Note: This procedure is legally required.

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 the Santa Cruz County Sheriff's Office, Cabrillo College Division. In the case of periods of extended closing, the District will admit only those with prior written approval to all facilities.

[Note: If the District has on-campus housing, the following paragraph is legally required.]

Residence halls are secured 24 hours a day. Over extended breaks, the doors of all halls will be secured around the clock, and will be equipped with a lock separate from the regular key issued to resident students. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic will have regular periodic security surveys. Administrators from the Santa Cruz County Sheriff's Office, Cabrillo College Division and other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Safety Committee, Facilities Planning and Plant Operations Staff and Santa Cruz County Sheriff's Office, Cabrillo College Division and Maintenance staff shall meet to discuss campus security and access issues of pressing concern.

Reference:
34 Code of Federal Regulations Section 668.46(b)(3)

ASM: 8/14/14
VPAS:
Cabinet:
PPTF:
CPC:
NOTE: This procedure is legally required and should be in place whether or not the District includes a police department as part of its structure. Because there have been no amendments to the Kristin Smart Campus Safety Act of 1998, and because the Board of Governors has not enacted regulations, it is recommended that the procedures simply restate the Board Policy, and also incorporate any local practices that have been developed and agreed upon with local law enforcement agencies.

The District, on behalf of each campus or center, has a written agreement with local law enforcement agencies. The agreement clarifies operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

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

The written agreements required by the Board policy are public records and are made available for inspection by members of the public upon request to the Superintendent/President [designate office].

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

The Santa Cruz County Sheriff’s Office, Cabrillo College Division maintains a close working relationship with the area law enforcement. The Santa Cruz County Sheriff’s Office, Cabrillo College Division occasionally works with other law enforcement agencies, including the Local Fire District, Central Fire; The State Highway Patrol and other related regulatory agencies, such as the Santa Cruz County Office of Emergency Services and the Red Cross. Meetings may be held between the leaders of these agencies on both a formal and informal basis. The Santa Cruz County Sheriff’s Office, Cabrillo College Division and other law enforcement agencies communicate regularly on the scene of incidents that occur in and around the campus area. When incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, the Cabrillo Sheriff’s Office will work closely with these other agencies. There is a written memorandum of understanding between the Cabrillo College and the Santa Cruz County Sheriff’s Office.

In response to a call, the Santa Cruz County Sheriff’s Office, Cabrillo College Division will take the required action, dispatching an officer or asking the victim to file an incident report. All incident reports received by the Santa Cruz County Sheriff’s Office, Cabrillo College
Division are forwarded to the Vice President of Administrative Services and the Dean of Student Services for review and potential action. The Santa Cruz County Sheriff’s Office, Cabrillo College Division may investigate a report when it is deemed appropriate.

Crimes should be reported to the Santa Cruz County Sheriff’s Office, Cabrillo College Division to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Santa Cruz County Sheriff’s Office, Cabrillo College Division in a timely manner. To report a crime or an emergency on any Cabrillo College Campus (Aptos, Watsonville or Scotts Valley), call the Sheriff's Office Dispatch at 831-471-1121. To report a non-emergency security or public safety related matter, call the Sheriff’s Non-Emergency Cell number at 831-212-8464.

[NOTE: For institutions with other responsible security officials, the following language is legally required]

Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the District. Safety and Security officers do not possess arrest power. Criminal incidents are referred to the local law enforcement officers who have jurisdiction on the campus. The District maintains a highly professional working relationship with the Santa Cruz County Sheriff’s Office [local law enforcement agencies]. All crime victims and witnesses are strongly encouraged to immediately report the crime to campus Security Services Office and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

[NOTE: For Districts without confidential reporting procedures, the following language is legally required]

All reports will be investigated. The District does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to law enforcement agencies and when appropriate, to the District’s Disciplinary Committee for review. When a potentially dangerous threat to the District’s community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.

Revised 7/11, 3/12

References:
- Education Code Section 67381;
- 34 Code of Federal Regulations Part 668.46

ASM: 8/14/14
VPAS:
Cabinet:
PPTF:
CPC/Approved:
Note: This procedure is legally required. Local practice may be inserted, but must include the following elements.

Capital Outlay Program
The [CEO]Superintendent/President will annually report to the Board and to the California Community Colleges Chancellor's Office a five year capital outlay program. The program will consist of the plans of the District concerning its future academic and student service programs, and the effects of such programs on construction needs.

Specifically, the five year capital outlay program will include the following:
- Statement of educational plans
- Statement of energy plans
- Statement of disabled persons’ barrier removal plan
- Location of program delivery
- Location of other owned lands
- District-wide priority lists
- District-wide capacity/load ratios
- District-wide supporting detail

Contracts
Construction contracts will be let in accordance with AP 6350 titled Contracts – Construction and will comply with applicable laws relating to public works.

Conversion of Buildings
State funds earmarked for capital outlay financing may be used to acquire an existing government-owned or privately-owned building and to pay the necessary costs of converting such a building to community college use if all of the following criteria apply:
- The building was constructed as, and continues to qualify as, a school building, as provided by Education Code Sections 81130 et seq., or the building is determined to have, or is rehabilitated to an extent that it is determined to have, a pupil safety performance standard that is equivalent to that of a building constructed pursuant to Education Code Sections 81130 et seq. The determination of the pupil safety performance standard must meet all of the requirements of Education Code Section 81149(a)(1)&(2).
- The total cost of purchasing and converting the existing building to community college use is not greater than the estimated cost of constructing an equivalent building.
- The land associated with the building will be owned by, or controlled through a long-term lease of at least 50 years by, the District.
• The District has complied with facility site review procedures and guideline recommendations of the California Postsecondary Education Commission pursuant to Education Code Section 66904.
• The funding for the purchase and conversion of an existing building does not supersede funding for facilities that have previously been prioritized by the Board of Governors and are awaiting state funding.

References:
  Education Code Sections 81005 and 81820;
  Title 5 Sections 57150 et seq.

Revised 2/07, 2/08

ASM Council review: 8/14/14
VL review:
Cabinet review:
PPTF review:
Approved:
Chapter Six: Business and Fiscal Affairs

Note: These procedures are legally required. Safety conditions of employment are a mandatory subject of bargaining, and may be more specific than the following procedures, which are minimum standards to cover students and unrepresented employees. AP 3510 titled Workplace Violence Plan covers many of the same requirements, and some districts may prefer to not include a similar procedure here. Local practice may be inserted. The following will comply with requirements.

Definitions – Prevention activities increase awareness and minimize the potential for crisis in the workplace. Training is essential for all staff to learn how to recognize early warning signs, so that appropriate intervention can be provided for identified areas of conflict in the workplace.

Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of your work.

Acts of violence include any physical action, whether intentional or reckless, that harms or threatens the safety of self, another individual or property.

A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm to self, another individual or property.

Workplace includes off-campus locations as well as college-sponsored activities where faculty, staff, or student employees are engaged in college business or locations where incidents occur as a result of the person's relationship to the college community.

Emergencies – Any employee shall immediately report any situation that threatens life or property and demands an immediate response of police, fire, or medical personnel by first dialing 911 and then notifying law enforcement.

Equipment and Sanitation – Should the duties of an employee require the use of equipment to ensure the safety of the employee, the District shall furnish such equipment. Complaints related to health safety, sanitation and working conditions shall be forwarded to the Safety Committee for review and recommendation.

Crisis and Conflict Intervention – Any employee experiencing an unsafe work condition should immediately contact his/her supervisor or the Human Resources Department. The supervisor shall immediately notify the Human Resources Department about any acts or threats of violence. The employee will be provided consultation regarding resources available to resolve the unsafe work condition.
It is the responsibility of all employees to immediately report threats, acts of violence or any other behavior which deliberately hurts or harms another person at the college to their immediate supervisor and the Santa Cruz County Sheriff’s Office, Cabrillo College Division. Such reports will be promptly and thoroughly investigated.

**Note:** *The following is suggested as good practice.*

**Employee Crisis Assistance Team** – An Employee Crisis Assistance Team is established to provide regular training and advice to individuals and departments. Training activities may include, but not be limited to, skill development in conflict resolution, communication, anger management and early identification of unsafe working conditions in the workplace.

Team advising activities may include individual consultations, peer mediation, conflict resolution services and referral to outside sources.

Immediately upon notification of an act of violence or threat of violence involving an employee, the team member notified will initiate Employee Crisis Assistance Team procedures as stated below.

In the event of an act or threat of violence, the team will investigate the incident and forward the results of the completed investigation to the [designated position] for consideration. Law enforcement will take appropriate action if the incident involves injuries or criminal activity.

The team will coordinate available resources to provide intervention, consultation or referral, which may include arranging for counselors to work with victims and observers of the incident.

**Restraining Orders/Court Orders** – An employee shall notify law enforcement of any restraining orders/court orders when named as a plaintiff, and provide a copy of the order to campus law enforcement. [law enforcement, e.g., college or local police]. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact campus law enforcement [law enforcement, e.g., college or local police], ensure they are aware of it, and that they have a copy of the restraining order on file.

ASM: 8/14/14
VPAS:
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PCC:
ACADEMIC EMPLOYEES

Academic employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness in any one fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his/her duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him/her for any month in which the absence occurs as, when added to his/her temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his/her full salary. “Full salary,” shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is used in Labor Code Section 4453. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Labor Code Section 4453 shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him/her for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781 and 87786, and, for the purposes of each of these sections, his/her absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, he/she may elect to take as much of his or her accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than his/her full salary.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his/her industrial accident or illness. The District shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

Any employee receiving benefits as a result of this section, during periods of injury or illness, shall remain within the State of California unless the District authorizes travel outside the state.
**Classified Employees**

Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness, in any one fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this procedure, sick leave, vacation, compensated time off or other available leave provided by law or the action of the District, the employee shall endorse to the District wage loss benefit checks received under the workers' compensation laws of this state. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this procedure.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months. When available, during the 39 month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.
The District may require that an employee serve, or have served continuously six months before
the benefits provided by this section are made available to the person. All service of an
employee prior to the effective date of any such requirement shall be credited in determining
compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or
illness, remain within the State of California unless the District authorizes travel outside the
state.

An employee who has been placed on a reemployment list, as provided above, who has been
medically released for return to duty and who fails to accept an appropriate assignment, shall be
dismissed.

**Industrial Illness or Injury**

In accordance with Education Code Sections 88190, 88192 and 88199, permanent classified
employees are entitled to industrial accident or illness leaves subject to the following provisions:

1. Allowable leave shall not be less than sixty (60) working days in any one fiscal year for
   the same industrial accident/illness, and will commence on the first day of absence.
   Allowable leave shall not be accumulative from year to year. When an industrial
   accident or illness occurs at a time when the full sixty (60) days will overlap into the next
   fiscal year, the employee shall be entitled to only that amount remaining at the end of the
   fiscal year in which the injury or illness occurred, for the same illness or injury.

2. Industrial accident/illness leave of absence is to be used in lieu of entitlement to non-
   industrial illness or injury leave. When entitlement to industrial accident/illness leave has
   been exhausted, entitlement to other sick leave will then be used. However, if an
   employee is receiving workers’ compensation, the employee shall be entitled to use only
   so much of their accumulated or available sick leave, accumulated compensating time,
   vacation or other available leave which, when added to the workers’ compensation
   award, provide for a full day’s wage or salary.

3. Payment for wages lost on any day shall not, when added to a workers’ compensation
   award, exceed the normal wage for the day.

4. Industrial accident/illness leave will be reduced by one day for each day of authorized
   absence regardless of whether a workers’ compensation award was made.

5. When all available paid or unpaid leaves of absence have been exhausted and the
   employee is not medically able to assume the duties of his/her regular position, the
   employee, shall, if not placed in another position, be placed on a reemployment list for 39
   months. The employee shall have priority over all other available candidates for a
   vacancy in the employee’s previous class, except for candidates on a reemployment list
   established because of lack of work or funds, in which case the employee shall be listed
   in accordance with the appropriate seniority regulations. An employee who has been
   placed on a reemployment list who has been medically released for return to duty who
   fails to accept and appropriate assignment shall be dismissed.

6. A classified employee must serve six (6) months of continuous service before he/she is
   entitled to industrial accident/illness leave.
7. Any employee receiving paid or unpaid industrial accident/illness leave shall remain within the state of California unless the Governing Board authorizes travel outside the state.

Non-industrial Illness or Injury

In accordance with Education Code Section 88190, 88191, 88195, 88198 and 88199, classified employees are entitled to non-industrial illness or injury leaves subject to the following provisions:

1. Every employee employed five days a week shall be entitled to twelve days leave of absence for illness or injury and such additional days as the Governing Board may allow for illness or injury.

2. An employee employed five days a week, who is employed for less than a full fiscal year, is entitled to that proportion of twelve days leave of absence for illness or injury as the number of months he/she is employed bears to twelve and the proportionate amount of such additional illness or injury leave as authorized by the Governing Board.

3. An employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of twelve days he/she is employed per week bears to five, and is entitled to the proportionate amount, consistent with this formula of additional illness or injury leave, as authorized by the Governing Board.
   a. When such persons as employed in number 3 above or employed for less than a full fiscal year, they shall be entitled to that portion of leave in number 3 above as the number of days the employee has been employed bears to a full fiscal year.

4. Pay for any day of such absence shall be the same as the pay which would have been received had the employee served the day. Credit for leave of absence need not be awarded prior to taking such leave by the employee and such leave may be taken at any time during the year. However, a new employee of the District shall not be eligible to take more than six (6) days, or the proportionate amount to which he/she may be entitled under this policy, until the first calendar month after completion of six (6) months of active service with the District.

5. Leave not taken in any year shall be accumulated from year to year with such additional days as the Governing Board may allow.

6. Employees covered by a collective bargaining agreement shall be required to provide proof of illness or injury in accordance with the collective bargaining agreement.

7. Employees not covered by a collective bargaining agreement shall be required to provide written verification of illness or accident by a licensed medical practitioner when requested by the District.

8. Required written verifications or proof of illness or injury shall not discriminate against evidence of treatment and need for treatment by the practice of the religion of any well-recognized religious sect, denomination or organization.

9. When a permanent employee of the classified service has, for reasons of having suffered a non-industrial illness or injury, exhausted all entitled leaves provided by the District, the Governing Board may grant additional leave, paid or unpaid, not to exceed 18 months in six (6) months increments.
An employee, upon ability to resume duties of a position within the class to which he/she was assigned, may do so at any time during the leaves of absence granted under Education Code 88195, and time lost shall not be considered a break in service. He/she shall be restored to a position within the class to which he/she was assigned and, if at all possible, to his/her position with all the rights, benefits and burdens of a permanent employee.

If, at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his or her position, the employee shall be placed on a reemployment list for a period of 39 months.

An employee who has been placed on a reemployment list for 39 months and is able to assume the duties of his/her position shall be reemployed in the first vacancy in the classification of his/her previous assignment. Such reemployment will take preference over all other applicants except for those laid off for lack of work or funds, in which case the employee shall be listed in accordance with the appropriate seniority regulations. Upon resumption of his/her duties, the employee’s break in service will be disregarded and he/she shall be fully restored as a permanent employee.

Legal Reference: Education Code Sections 88190, 88191, 88192, 88195, 88198 and 88199, 87763, 87764, 87765, 87780, 87781, 87786, 87787, 88190, 88191, 88192, 88195, 88198 and 88199, 87787 and 88192

Adopted: December 6, 1987
Revised: April, 2013
ASM: 6/5/14, 8/14/14
Chapter Three: General Institution

Definitions:

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

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

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

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

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

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

**Recognition and Establishment of Auxiliary Organizations**

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

- The purpose(s) for which the auxiliary organization is to be established;
- Whether the proposed auxiliary organization will primarily serve the District;
- 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 Superintendent/President receives a request to establish an auxiliary organization, the Superintendent/President shall submit a recommendation concerning the establishment of said organization to the Board of Trustees within three months.
- The Board of Trustees shall hold a public hearing on each recommendation concerning the establishment of an auxiliary organization.
- At a subsequent scheduled meeting after the public hearing, the board shall announce its decision concerning the establishment of the organization, and, if approved, authorize the functions it may perform, identify the number and category or categories of the board of directors and approve contractual arrangements.

At such time as the District recognizes an auxiliary organization, it shall submit to the 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 Student Trustee 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 Superintendent/President.
- That an attorney admitted to practice in this state and a licensed certified public accountant shall be selected to provide advice and counsel to the board of directors. Each shall have experience appropriate to the responsibility and shall
have no financial interest in any contract or other transaction entered into by the board which he/she serves. Neither the attorney nor the certified public accountant needs to be a member of the board of directors.

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

**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 Superintendent/President a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.
- The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.
- The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
- The covenant of the auxiliary organization to maintain its organization and to operate in accordance with 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 Superintendent/President.

**Personnel**

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

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

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

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

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

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

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

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

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

Accounting and Reporting for Auxiliary Organizations
The fiscal year of the auxiliary organization shall coincide with that of the District.

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

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

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

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

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

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

If the auxiliary organization receives or accrues in any fiscal year gross revenue of two million dollars ($2,000,000) or more, it shall also include in its bylaws an audit committee appointed by the board of directors. The audit committee may include persons who are not members of the board of directors, but the member or members of the audit
committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the auxiliary committee has a finance committee, it must be separate from the audit committee.

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

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

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

**Records and Annual Report of Auxiliary Organizations**

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

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

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

- All financial statements required to be filed with the 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 doing at least one of the following:

- Posting the audited financial statement on the auxiliary organization’s website or the District’s website, or
- 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 Superintendent/President shall provide to the Board of Trustees a list of all auxiliary organizations in good standing. All auxiliary organizations which, after periodic review in the manner specified hereinafter in these regulations, are found to be in compliance with applicable laws, policies and regulations shall be included in the list.

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

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

An organization so removed shall not be permitted to do any of the following:
- Use the name of the District;
- Have as a director any official in the District acting in his/her official capacity;
- Operate a commercial service for the benefit of the District or any of its Colleges; and
• 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 Superintendent/President**
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 Superintendent/President shall designate the individual to conduct this review, which shall be conducted at the end of the first complete fiscal year after its establishment and at least once every three years thereafter.

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

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

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

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

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

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

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

Adopted: XX, 2014
The District shall admit students who meet one of the following requirements and who are capable of profiting from the instruction offered:

- Any person over the age of 18 and possessing a high school diploma or its equivalent.
- Other persons who are over the age of 18 years and who, in the judgment of the Superintendent or his/her designee are capable of profiting from the instruction offered. Such persons shall be admitted as provisional students, and thereafter shall be required to comply with the District's rules and regulations regarding scholastic achievement and other standards to be met by provisional or probationary students as a condition to being readmitted in any succeeding semester.
- Persons who are apprentices as defined in Labor Code Section 3077.

The District shall, in its discretion, or as otherwise federally mandated, evaluate the validity of a student’s high school completion. The District shall establish procedures for evaluating the validity of a student’s high school completion.

**Admission** – Any student whose age or class level is equal to grades 9-12 is eligible to attend as a special part-time student for advanced scholastic or vocational courses.

The District shall establish procedures regarding ability to benefit and admission of high school and younger students, requests for special full time or part time enrollment by a pupil who is identified as highly gifted but in grades below 9-12.

**Claims for State Apportionment for Concurrent Enrollment** – Claims for state apportionment submitted by the district based on enrollment of high school pupils shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors. The District shall establish procedures regarding compliance with statutory and regulatory criteria for concurrent enrollment.

See Administrative Procedure 5011

*References: Education Code Sections 76000, 76001, 76002 and 76003(f); Labor Code Section 3077; U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 Code of Federal Regulations Section 668.16(p)*

Adopted: August 5, 2013
Updated: XXXX, 2014
Admission criteria and procedures for students under 18 years of age enrolling in the community college include the following:

To be considered for admittance as a concurrently enrolled student for any semester, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001 and 76003(f).

The student must submit all required documents to the Admissions & Records Office:

- The Cabrillo application for admission for each semester of enrollment.
- The Special Admit form, available in the Admissions & Records Office, which contains written and signed parental or guardian consent as well as a written and signed approval of his/her principal indicating that the student has availed himself/herself of all opportunities to enroll in an equivalent course at his/her school of attendance.
- A parent or guardian of a pupil who is not enrolled in a public or private school may petition directly without the signature of a principal.

**Concurrent enrollment is subject to the following:**

- Enrollment priority of concurrently enrolled students is outlined in the AP 5055, Enrollment Priorities and is subject to seat availability.
- Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance. For students attending high school, the high school principal or authorized district authority will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college. The decision of the high school principal or authorized district authority shall be final. This determination may be done by consultations with the student and a review of the materials submitted by the student.
- The student must demonstrate that they have adequate preparation in the disciplines to be studied by meeting the required assessment scores or course requisites.
- The Admissions & Records office maintains a list of courses for which the Curriculum committee has deemed inappropriate for minors due to the course content. Concurrently enrolled students will not be allowed to register for these courses.

**Procedures for ensuring that claims for state apportionment for K-12 students meet all of the following criteria:**

- Courses in which high school and other young students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.
- If the decision to offer a class on a high school campus is made after publication of the District’s regular schedule of classes, and the class is only advertised to the general...
public through electronic media, the class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.

- If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.
- If the class is a physical education class, no more than 10 percent of the enrollment of the class may consist of concurrently enrolled students.

If a request for special part-time or full-time enrollment is denied for a pupil who has been identified as highly gifted, the Governing Board shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admission, and the denial shall be submitted to the District at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted.

See BP 5010 Admission and Concurrent Enrollment of High School and Other Young Students.

References: Education Code Sections 48800, 48800.5, 76001, 76002 and 76003(f)

Approved by Student Services Council May 15, 2013
Updated: XXXX, 2014