

Chapter 3

General Institution

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BP 3200 Accreditation

Reference: Accreditation Eligibility Requirement 20, Standard IV.B.1.i

The Chancellor shall ensure the District complies with the accreditation process and standards of the Accrediting Commission of Community and Junior Colleges and of other District programs that seek special accreditation.

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

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

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

See Administrative Procedure 3200.

BP 3250 Institutional Planning

Reference: *Accreditation Standard I.B; Title V, Sections 51008, 51010, 51027, 53003, 54220, 55250, 55400 et seq., 55510, 56270 et seq.*

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

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

- Long range educational or academic master plan
- Facilities plan
- Faculty and staff diversity plan
- Student equity plan
- Matriculation
- Transfer Center
- Cooperative Work Experience
- EOPS

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

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

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

See Administrative Procedure 3250.

BP 3280 Grants

Reference: Education Code Section 70902

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

The Chancellor shall establish procedures to assure timely application and processing of grant applications and funds, and to insure that the grants directly support the purposes of the District and provide information on fiscal impact.

See Administrative Procedure 3280

BP 3300 Public Records

Reference: Government Code Sections 6250, et seq.

The Chancellor shall establish procedures for records management, including access by the public, which complies with the requirements of the California Public Records Act.

See Administrative Procedure 3300.

BP 3310 Records Retention and Destruction

Reference: Title V, Sections 59020, et seq.

The Chancellor shall establish administrative procedures to assure the retention and destruction of all District records including, but not limited to, student records, employment records, and financial records, that comply with Title V.

See Administrative Procedure 3310.

BP 3410 Nondiscrimination

Reference: *Education Code Sections 66250, et seq., 72010, et seq.; 87100 et. seq., Title V, Sections 53000, et seq., 59300 et seq.; Penal Code Section 422.55; Government Code 12940, et seq., 12926.1 et. seq.*

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

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

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

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

See Administrative Procedure 3410.

1/07 Revised

BP 3420 Equal Employment Opportunity

Reference: Education Code Sections 87100, et seq. Title V, Section 53000, et seq.

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

The Chancellor shall develop, for review and adoption by the Board, a plan for equal employment opportunity (EEO Plan) that complies with the Education Code and Title V requirements as from time to time modified or clarified by judicial interpretation. At a minimum, the EEO plan will include provisions for a currently trained, non-voting Equal Employment Opportunity Representative (EEO Representative) on each selection committee.

See Administrative Procedure 3420

Rev. 1/07

BP 3430 Prohibition of Harassment

Reference: Education Code Sections 212.5; 44100, 66252; 66281.5; Government Code 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e.

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end the Chancellor shall ensure that the institution undertakes education activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

See Administrative Procedure 3430.

BP 3500 Campus Safety

Reference: *Education Code 67380(a)(4)*

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

See Administrative Procedure 3500.

BP 3510 Workplace Violence Plan

Reference: *Cal/OSHA: Labor Code §§ 6300 et seq; 8 Cal. Code Regs. § 3203; "Workplace Violence Safety Act of 1994" (Code of Civil Procedure § 527.8 and Penal Code §§ 273.6 and 12021)*

The Board is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.

The Chancellor shall establish administrative procedures to assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

See Administrative Procedure 3510.

BP 3515 Reporting of Crimes

Reference: Education Code Section 67380

The Chancellor shall assure that, as required by law, reports are prepared of all occurrences, reported to campus police, of and arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The Chancellor shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

See Administrative Procedure 3515.

BP 3518 Child Abuse Reporting

Reference: *Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, 11164-11174.3; Welfare and Institutions Code Sections 300, 318, 600; Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, 7892.*

The Chancellor shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

See Administrative Procedure 3518.

BP 3520 Local Law Enforcement

Reference: Education Code Section 67381

Each campus or center of the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

See Administrative Procedure 3520.

BP 3530 Weapons on Campus

Reference: Penal Code Section 626.7

Firearms or other weapons shall be prohibited on any college or District center or in any facility of the District except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

See Administrative Procedure 3530.

BP 3540 Sexual and Other Assaults on Campus

Reference: *Education Code Sections 67385, 67382; 20 U.S.C. 1092(f) the Jeanne Clery Disclosure of Campus Security Policy and Campus Criminal Statistics Act; 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, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

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

The procedures for sexual assault shall meet the criteria contained in EC 67385, 67385.7 and 34 C.F.R. § 668.46.

Any employee of the District who learns of such an assault shall, with the consent of the victim, notify the District Police Department.

See Administrative Procedure 3540

Rev. 8/06 Revised per AB 1088

Rev. 1/07 References updated

BP 3550 Drug Free Environment and Drug Prevention Program

Reference: *Drug Free Schools and Communities Act, 20 U.S.C. Section 1145g and 34 C.F.R. Section 86.1 et seq.; Drug Free Workplace Act of 1988, 41 U.S.C. Section 702*

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

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

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

See Administrative Procedure 3550.

BP 3570 Smoking/Use of Tobacco Products

Reference: Education Code Sections 76033(e); Health and Safety Code Sections 11885-118915; Assembly Bill 846 Sections 7596, 7597

The Board of Trustees in keeping with the general tenets of the California Indoor Clean Air Act of 1976, declares that tobacco smoke is a hazard to the health of the general public. As such the Board therefore establishes that smoking, and other uses of tobacco, are prohibited within all Yuba Community College District buildings, including restroom areas, dining areas, classrooms, laboratories, library, gymnasium, open air sports facilities, offices, and the College Theater, along with any other interior building areas, including quads. Smoking, and other uses of tobacco, is also prohibited in an outdoor area within 20 feet of a main exit, entrance, or operable window of said areas.

Smoking is permitted on the campuses in outside, open areas, designated areas on each campus and site, and designated areas in the residence halls. Smokers are strongly encouraged to deposit cigarettes, ashes, and matches in receptacles to maintain refuse-free campuses.

All employees and students are expected to observe and enforce this policy with vigor.

Further, the Board authorizes that individual campuses, following Shared Governance guidelines, may adopt administrative procedures that are more restrictive than this District-wide policy.

See Administrative Procedure 3570.

BP 3580 Flag At Half-Staff

The Chancellor is authorized to encourage all members of the academic community to show respect and honor the flags of the United States of America and the State of California. He or she shall comply with orders to fly the flag at half-staff when called upon to do so by the President of the United States, The Governor of the State of California, the Board of Trustees, or the Board of Governors of the California Community Colleges. The Chancellor may approve a request to fly the flag at half-staff when he or she deems it appropriate.

BP 3600 Auxiliary Organizations

Reference: *Education Code Sections 72670, et seq.; Title V, Sections 59250, et seq.*

The Board may recognize and approve auxiliary organizations established for the purpose of providing to the District any and all supportive services, specialized programs, and functions identified in Title V.

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

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

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

- The composition of a Board of Directors and the way in which it conducts its meetings;
- Conducting an annual audit;
- Employing its work force;
- Expending and appropriating its funds, and keeping its records.

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

See Administrative Procedure 3600.

BP 3710 Securing of Copyright

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

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

In the development of these procedures, the Chancellor shall solicit the input of the proper representatives of the college community in accordance with the District's policies regarding shared local decision making.

See Administrative Procedure 3710

Revised 10/05

BP 3715 Intellectual Property

Reference: 17 USC 101 et seq.; 35 USC 101 et seq.; and 37 CFR 1.1 et seq.

The Chancellor shall develop procedures that define the rights, interests, protection and transfer of intellectual property created by the District employees and students.

See Administrative Procedure 3715

New 10/05

BP 3720 Computer Use

Reference: Education Code Section 70902; 17 U.S.C. Section 101 et. seq.; Penal Code Section 502, Cal. Const., Art. 1; Government Code Section 3543.1(b)

Employees and students who use District computers and networks and the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others. The Chancellor shall establish procedures that provide guidelines to students and staff for the appropriate use of information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

See Administrative Procedure 3720

Rev. 1/07 References Added

BP 3810 Claims Against the District

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

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

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District. Claims that are subject to the requirements of this policy include, but are not limited to, the following:

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

The designated place for service of claims, lawsuits, or other types of legal process upon the District is the District Administrative Services Office.

See Administrative Procedure 3810.

BP 3820 Gifts

Reference: Education Code Section 72122

The Board shall consider all gifts, donations, and bequests made to the District. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete resources of the District.

The District shall assume no responsibility for appraising the value of gifts made to the District.

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

In no event shall the District accept a donation from any donor who engages in practices or policies that discriminate against any person on the basis of race, sex (i.e., gender), color, religion, national origin, age, disability, or sexual preference; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

A District shall consult with counsel if confronted with a donor who wishes to make a donation of a scholarship that will be tailored to help historically underrepresented groups.

See Administrative Procedure 3820