



5055 Santa Teresa Blvd., Gilroy, CA 95020

www.gavilan.edu

(408) 848-4800

Dr. Kathleen A. Rose, Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
REGULAR MEETING, BOARD OF TRUSTEES
Tuesday, July 11, 2017

CLOSED SESSION – 6:00 p.m. OPEN SESSION – 7:00 p.m.
5055 Santa Teresa Boulevard, Gilroy, CA 95020
T.J. Owens Early College Academy, Multi-Purpose Building

AGENDA

- I. CALL TO ORDER 6:00 p.m.
 1. Roll Call
 2. Comments from the Public – This is a time for the public to address the Board
 3. Recess to Closed Session (a maximum of 3 minutes will be allotted to each speaker)

CLOSED SESSION 6:00 p.m.

Notice is hereby given that a closed session of the Board will be held under the general provisions listed as follows:

- 1) CONFERENCE WITH LABOR NEGOTIATORS - Closed Session Pursuant to Government Code Section 54957.6
Agency Negotiators: Kathleen Rose/Eric Ramones
Employee Organization: GCFA
- 2) CONFERENCE WITH LABOR NEGOTIATORS - Closed Session Pursuant to Government Code Section 54957.6
Agency Negotiators: Kathleen Rose, Eric Ramones
Employee Organization: CSEA
- 3) CONFERENCE WITH LABOR NEGOTIATORS – Closed Session Pursuant to Government Code Section 54957.6
Agency Negotiators: Dr. Kathleen Rose
Employee Organization: Unrepresented
- 4) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Significant exposure to litigation pursuant to Section 54956.9(b);
One Case #16-CV-2493-NC



Board of Trustees: Jonathan Brusco
Laura A. Perry, Esq.

Kent Child
Lois Locci, Ed.D.

Mark Dover
Rachel Perez

Walt Glines
Daniel Chavez

II. OPEN SESSION 7:00 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Report of Any Action Taken in Closed Session
5. Approval of Agenda
6. Consent Agenda
 - (a) Regular Meeting of the Board of Trustees minutes, June 13, 2017 and Board Policy Committee minutes, June 13, 2017
 - (b) Personnel Actions
 - (c) Warrants and electronic transfers drawn on District Funds
 - (d) Payroll Warrants drawn on District Funds
 - (e) Purchase Order Ratification
 - (f) Ratification of Agreements
 - (g) Budget Adjustments
7. Comments from the Public - This is a time for the public to address the Board
(a max. of 3 minutes allotted to each speaker)
8. Recognitions
 - (a) Employees of the Month
9. Officers' Reports
 - (a) Vice Presidents
 - (b) College President
 - (c) Academic Senate
 - (d) Professional Support Staff
 - (e) Student Representative
 - (f) Board Member Comments
 - (g) Board President
10. Board Committee Reports
11. Information/Staff Reports
 - (a) Review Board Policies and Administrative Procedures BP/AP 3500 - 3900
 - (b) Gavilan College Educational Foundation Update

III. ACTION ITEMS

1. New Business
 - (a) Claim Against the District
 - (b) Contract for Gavilan College for Strong Workforce Program Regional (40%) Funding
 - (c) Contract for Gavilan College for Strong Workforce Program Regional (40%) Funding (MOU)
 - (d) Implementation of the Classification and Compensation Study for Management Employees
 - (e) Athletic Fields Upgrade Project Change Order #1
 - (f) Approval of an agreement with Storm Water Inspection and Maintenance Services, Inc. to provide QSP (Qualified SWPPP Practitioner) for the Athletic Fields Upgrade Project
 - (g) Geotechnical Service Agreement with Cornerstone Earth Group
 - (h) Laboratory of Record Service Agreement with Consolidated Engineering Laboratories

IV. CLOSING ITEMS

1. The next regularly scheduled Board meeting is August 8, 2017, **Gavilan College, Morgan Hill site.**
2. Adjournment

*Roll Call Vote

GAVILAN COLLEGE MISSION

Gavilan College cultivates learning and personal growth in students of all backgrounds and abilities through innovative practices in both traditional and emerging learning environments; transfer pathways, career and technical education, developmental education, and support services prepare students for success in a dynamic and multicultural world.

PUBLIC COMMENTS – Individuals wishing to address the Board on a non-agenda item may do so during the Comments from the Public. However, no action may be taken on an item, which is not on the agenda. The public is welcomed to address the Board on particular agenda items and may do so at the time it is presented. Guidelines for Comments from the Public will be as follows:

A maximum of 3 minutes will be allotted to each speaker with a maximum of 20 minutes to a subject area. No disruptive conduct will be permitted at any Gavilan College Board of Trustees meeting.

AGENDA ITEMS – Individuals wishing to have an item appear on the agenda must submit the request in writing to the Superintendent/President two weeks prior to the regularly scheduled meeting. The Board President and Superintendent/President will determine what items will be included in the agendas. Regular meetings are held the second Tuesday of each month.

Items listed under the Consent Agenda are considered to be routine and are acted on by the Board of Trustees as one motion. There is no discussion of these items prior to Board vote unless a member of the Board, staff, or public requests that specific items be discussed and/or removed from the Consent Agenda. It is understood that the Administration recommends approval on all consent items. Each item on the Consent Agenda approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact Nancy Bailey at 408-848-4711. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

Members of the public may inspect agenda documents distributed to the Board of Trustees at the President's Office, CDC123, during regular working hours, or at <http://www.gavilan.edu/board/agenda.php>

Please help keep Gavilan College a litter-free campus and preserve its park-like setting. Thank you.

CONSENT

**Gavilan Joint Community College District
Governing Board Agenda**

July 11, 2017

Consent Agenda Item No. 6 (a) Office of the President
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT: Regular Meeting of the Board of Trustees Minutes, June 13, 2017 and Board Policy Committee minutes, June 13, 2017

- Resolution: BE IT RESOLVED,
- Information Only
- Action Item

Proposal:

That the Board of Trustees review and approve the regular meeting of the Board of Trustees Minutes, June 13, 2017 and Board Policy Committee minutes, June 13, 2017.

Background:

Budgetary Implications:

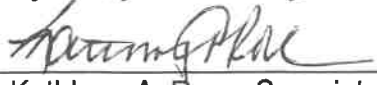
None.

Follow Up/Outcome:

Post approved minutes on the Gavilan College website.

Recommended By: Dr. Kathleen A. Rose, Superintendent/President

Prepared By: 
Nancy Bailey, Executive Assistant

Agenda Approval: 
Dr. Kathleen A. Rose, Superintendent/President



GAVILAN COLLEGE

5055 Santa Teresa Blvd., Gilroy, CA 95020

www.gavilan.edu

(408) 848-4800

Dr. Kathleen A. Rose, Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
REGULAR MEETING, BOARD OF TRUSTEES
Tuesday, June 13, 2017

5055 Santa Teresa Boulevard, Gilroy, CA 95020
T.J. Owens Early College Academy, Multi-Purpose Building

MINUTES

I. CLOSED SESSION - CALL TO ORDER 6:00 p.m.

Trustee Laura Perry called the meeting to order at 6:01 p.m.

1. Roll Call

Trustees Present: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry

Dr. Kathleen Rose, Superintendent/President
Kathleen Moberg, Vice President, Student Services
Dr. Michele Bresso, Vice President of Academic Affairs
Fred Harris, Vice President of Administrative Services
Wade Ellis, Associate Vice President of Business & Security Services
Nancy Bailey, Executive Assistant to the President

2. Comments from the Public

No comments.

3. Recess to Closed Session

The Board recessed to closed session at 6:02 p.m.

II. OPEN SESSION 7:00 p.m.

1. Call to Order

President Laura Perry called the meeting to order at 7:10 p.m.

2. Oath of Office – Student Trustee

Laura Perry administered the Oath of Office to Daniel Chavez student trustee.

3. Roll Call

Trustees Present: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry and Daniel Chavez (student trustee)

Dr. Kathleen Rose, Superintendent/President
Kathleen Moberg, Vice President, Student Services
Fred Harris Vice President of Administrative Services
Nikki Dequinn, President, GCFA

Board of Trustees: Tom Breen
Laura A. Perry, Esq.

Kent Child
Walt Glines

Mark Dover
Lois Locci, Ed.D.

Jonathan Brusco
Iris Cueto



Diana Seelie, Professional Support Staff Representative
Nancy Bailey, Executive Assistant to the President (Recorder)

Others in Attendance: Jan Bernstein Chargin, Wade Ellis, Ken Wagman, Bobbi Jo Palmer, Ron Hannon, Eduardo Cervantes, Shari Gratke and Steve Sowa

4. Pledge of Allegiance
The Pledge of Allegiance was led by Laura Perry.
5. Report of any Action Taken in Closed Session
Laura Perry reported that no action was taken in closed session.
6. Approval of Agenda
MSC (W. Glines/M. Dover) to approve the agenda with the removal of Item III.1.n, "Subcontract between Gavilan College and Cabrillo College for Strong Workforce Regional Funding".
Vote:
7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.
0 Noes
7. Consent Agenda
 - (a) Regular Meeting of the Board of Trustees minutes, May 9, 2017
 - (b) Personnel Actions
 - (c) Warrants and electronic transfers drawn on District Funds
 - (d) Payroll Warrants drawn on District Funds
 - (e) Purchase Order Ratification
 - (f) Ratification of Agreements
 - (g) Budget Adjustments
 - (h) Monthly Financial Report

MSC (W. Glines/J. Brusco) to approve.

Vote:
7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.
0 Noes
8. Comments from the Public
Ken Wagman – acknowledged and welcomed student trustee Daniel Chavez and new Academic Senate President Nikki Dequinn. He said faculty are looking forward to summer school and the fall semester.
9. Officers' Reports
 - (a) Vice Presidents
Fred Harris – reported on facility items. Coyote Valley landscaping is being finalized along with the fencing. He received the application to review for the Incidental Take Permit for phase 2 and added that it will take a couple of years to go through regulatory agencies. He said the relocation and expansion of the motorcycle program at Coyote Valley has been negotiated. Fred Harris said demolition of the gym floor and bleachers is complete. The gym floor will be completed near the end of July. The pool replacement project is moving along and completion is expected at the end of August. The solar project is beginning this month. Negotiations will take place for a battery backup system to maximize the output and offset

the electric usage. Fred Harris will be meeting with the bond campaign consultant and will bring related information to the board. He said the Marguerite Maze Middle School labs in Hollister have been leased for classroom use. Fred Harris reported that 2 bids have been received for the athletic fields' project and is an action agenda item. A bid protest was received and a rejection of the claim was sent by the district.

Kathleen Moberg – reported that student services' staff have returned to the renovated student center building and said that financial aid and admissions and records departments continue to share space. Welcome center space has been designated and staffed by student mentors who will greet and triage students' questions before directing them to the appropriate staff. Kathleen Moberg said cross training is taking place to better serve students at all locations.

Michele Bresso – welcomed both student trustee Daniel Chavez and Academic Senate president Nikki Dequin and looks forward to working with them. She acknowledged Nikki Dequin for showing leadership skills in department chair meetings and being a "fearless" voice for students. Michele Bresso reported that faculty identified some potential safety concerns in utilizing Marguerite Maze Middle School for bio labs due to chemical storage. Based on those concerns, the middle school lab will be used by ecology classes. The use of San Benito High School bio labs is being investigated. Michele Bresso thanked Dean Fran Lozano and department faculty. She also reported that ACCJC completed their site visit related to the substantive change reports at both San Martin Airport and Coyote Valley. Michele Bresso highlighted the work of technology librarian Dana Young as she traveled with "Librarians without Borders" to Guatemala to provide books for a small library.

(b) College President

Kathleen Rose said she was pleased to have both Daniel Chavez and Nikki Dequin sit at the board's table. She thanked everyone for working together to make commencement a memorable event. Kathleen Rose reported on her recent professional development opportunities at the New York Times Higher Education Forum and the CEO Leadership Academy held by the Community College League of California. She was inspired by speakers and topics discussed and will share the ideas and practices. She acknowledged Gavilan's Board of Trustees for their dedication and commitment to their communities and students. She reported that retreats will be held over the summer for the Board of Trustees (July 22nd), Leadership Council, and also cabinet.

(c) Academic Senate

Nikki Dequin read a message from past president Arturo Rosette

(d) Professional Support Staff

No report

(e) Student Representative

Daniel Chavez reported that he attended the Facilities' Committee Ad Hoc signage committee meeting. He said he was going to promote ASGC accountability. He is planning to attend the Silicon Valley Leadership Conference and also the CCLC Student Trustee workshop.

(f) Board Member Comments – Trustees welcomed student trustee Daniel Chavez and Academic Senate president Nikki Dequin.

Rachel Perez – attended several events including a LULAC meeting, the EOPS and CALworks Recognition ceremony, the Staff Recognition Dinner, the Financial Aids awards ceremony, and the graduation ceremony. She acknowledged the speakers at graduation.

Rachel Perez helped chair the Latino Advisory Committee (LAC) at the college and thanked Dr. Peter Wruck for the data presentation. She said a mission statement and objectives were adopted by the LAC with bylaws being created by a subcommittee. Rachel Perez attended a Guided Pathways meeting. She and her husband visited Machu Picchu.

Mark Dover – said the graduation ceremony in May was one of his favorites and acknowledged staff for doing a great job. He also thanked Admissions & Records and Counseling for providing great customer service to potential students. Mark Dover said Kathleen Rose had a great first year as president and thanked her for traveling to attend forums and conferences and bringing that information back to Gavilan.

Jonathan Brusco – and his wife welcomed new baby Isabella into their family. He said graduation was amazing and was touched by Honorary Degree recipient Cecilia Ponzini. He said he is noticing the marketing efforts of the college and said it was a positive step.

Kent Child – attended a memorial service for retired faculty member Jerry Flook and attended the staff recognition dinner.

Walt Glines – said graduation and the speakers' messages were fantastic. He did think that other options should be considered for the graduation venue in subsequent years. He recognized the GECA seniors for receiving \$1.6 million in scholarships. Walt Glines announced that the 2017 CCLC convention will be held in San Jose in November. He requested an update on the remedial course program at Gavilan.

Lois Locci – reported on GECA's scholarship ceremony. She thanked PIO Jan Chargin for the increase in Gavilan articles on the benitolink.com website.

(g) Board President

Laura Perry attended the Staff Recognition Dinner. She received many compliments from the public on the graduation ceremony and thanked staff for their hard work. Laura Perry enjoyed seeing Cecilia Ponzini's "joy" in receiving Gavilan's Honorary Degree. She congratulated Jonathan and Julie Brusco on the birth of their daughter.

10. Board Committee Reports

Kent Child reported that the Policy Subcommittee's meeting reviewed Chapter 3, General Institution, board policies and administrative procedures. He said the goal is to complete a review of the remaining 4 chapters in the academic 2017/18 year.

Mark Dover reported on the Facilities Subcommittee which met to review the bid received on the last Measure E bond project, the Athletic Fields Upgrade. He said it was a difficult meeting as the bid came in \$2.5 million over the budget amount meaning not all the projects could be completed. Mark Dover said students and staff have been waiting a long time for improvements in the fields. He said the committee's recommendation will be to move forward with the bid but with the elimination of the football and track fields. Mark Dover said infrastructure and DSA requirements will be completed for all projects; the turf installation will not be done. The eliminated portion of the project will be rebid in a couple of years while looking for alternative funding. Jonathan Brusco expressed his displeasure with the bidding environment for public agencies.

11. Information/Staff Reports

(a) Transferring Students Reports

Michele Bresso presented data indicating an overall increase within a 10 year span of transfers of 35%. She said the highest growth has been transfers to the California state university system colleges. Trends indicate Latino transfers to CSU's are up about 60% in the 10 year span. Michele Bresso said efforts will continue to build the transfer

program to help move our students toward completion in a timely manner. She said all of the data is available on Gavilan's website.

(b) President's Honor Roll, Fall 2016 and Dean's List, Fall

Kathleen Rose said scholarship is an important part of the college and wanted to share this special recognition with the board.

(c) Institutional Effectiveness Partnership Initiative (IEPI)

Michele Bresso presented this annual report which is a requirement to receive Student Success and Support Program funding. The report provides the district's progress on goals with pre-established indicators. She said this report will be shared with the Gavilan community to build dialog on how we can make improvements.

III. ACTION ITEMS

1. New Business

(a) Curriculum

MSC (W. Glines/M. Dover)

Discussion: included a brief description of the curriculum approval process and when courses are offered.

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

(b) Instructional Material Fees

MSC (W. Glines/M. Dover)

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

(c) 2019-23 Five Year Capital Construction Plan

Discussion: Fred Harris identified a change in the priorities on the capital planning list. The plan will list the San Benito County Center as priority 3. He explained this is an annual submission and that state priority is based on a percentage of local funding.

MSC (W. Glines/M. Dover)

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

(d) 2020-21 State Capital Outlay Initial Project Proposals, Resolution No. 1023

Discussion: Fred Harris identified an error on the agenda documents. IPP's for the "San Benito County Center" and the "Coyote Valley – Phase II Site Development" should be included in Resolution No. 1023 in the header and 2 places in the content of the resolution. These corrections will be made. The resolution will also be amended as follows: RESOLVED that the President/Superintendent and/or his-her designee..."

MS (W. Glines/D. Chavez)

Amended MS (W. Glines/M. Dover) to approve with corrections.

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

(e) FY 2017 – 18 Tentative Budget

MS (W. Glines/M. Dover)

Discussion: Wade Ellis gave an overview of the 2017-18 tentative state budget and said that categorical program funding remains constant. However, he said the state budget is being changed daily. Wade Ellis said the finalized budget will be provided in September and that the tentative budget allows the district to operate until that time. He reported a state COLA of 1.56% to the college is \$436,657. He discussed the state's formula for growth calculations and how it doesn't work for high cost of living areas. Gavilan will be receiving .50% or \$119,180. Wade Ellis said the schedule of resources to operate next year will be slightly less than the current year. He noted some of the budget challenges for long-range planning include increased PERS/STRS rates, salary increases, restricted funding and the effects of bargaining agreements. Wade Ellis said the district is expected to get out of stability when reaching 5300 FTES. When asked, Wade Ellis said the projected ending balance for FY17-18 is \$3,967,604 (11.59%) which is based on an estimated ending balance for FY16/17. He thanked the college Budget Committee for their service.

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

(f) Appropriations Limit for FY 2017/18, Resolution No. 1024

MSC (K. Child/M. Dover) to approve.

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

(g) Employment Agreement – Superintendent/President

MSC (J. Brusco/W. Glines) to approve.

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

(h) Ratification of CSEA Classification and Compensation Agreement

MSC (W. Glines/M. Dover) to approve.

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

(i) Equal Employment Opportunity (EEO) Fund Certification Form

Discussion: Rachel Perez suggested that we look into other methods such as "Grow-Your-Own program".

MS (J. Brusco/L. Locci) to approve.

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

- (j) Land Lease Agreement between County of Santa Clara, State of California, by and between Gavilan College Lessor and the Gilroy Garlic Festival Association.
MSC (W. Glines/L. Locci) to approve.
Vote:
7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.
0 Noes
- (k) Amended Lease Term Extension for Briggs Building with City of Hollister
MSC (K. Child/W. Glines) to approve.
Vote:
7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez– student trustee) to approve.
0 Noes
- (l) Notice of Completion for the Coyote Valley, Low Voltage Package
MSC (J. Brusco/W. Glines) to approve.
Vote:
7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.
0 Noes
- (m) Student Center Seismic Upgrade, Change Order #3
MSC (W. Glines/M. Dover) to approve.
Vote:
7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.
0 Noes
- (n) Subcontract between Gavilan College and Cabrillo College for SWP Regional Funding
Item removed from agenda; see Item 6.
- (o) Establish Self-Insurance Fund, Resolution No. 1025
MSC (M. Dover/K. Child) to approve.
Vote:
7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.
0 Noes
- (p) Consider and Accept Bid for the Athletic Fields Upgrade Project
MS (W. Glines/M. Dover) to approve.
Discussion included concerns for the financial impact of the high bid and the delay of the football field project. Daniel Chavez supported moving ahead on the bid for the purpose of improving the facilities for the students. Kathleen Rose said the bid overage of \$2.4 million has resulted in difficult discussions and decisions as she supports both the athletics and kinesiology departments. She said Bobbi Jo Palmer assisted her in drafting a letter to the Gavilan College Educational Foundation board presenting the project as an opportunity to raise some funds from the community.

Fred Harris clarified that approval of this item would be for the entire bid amount of \$9,412,000 and that a July board item will address deductive alternates to the project.

Vote:

7 Ayes: Jonathan Brusco, Kent Child, Mark Dover, Walt Glines, Rachel Perez, Lois Locci, and Laura Perry (Daniel Chavez – student trustee) to approve.

0 Noes

IV. CLOSING ITEMS

1. The next regularly scheduled Board meeting is July 11, 2017, GECA Multi-Purpose, Gilroy Campus.
2. Adjournment – The meeting was adjourned at 9:02 p.m.



5055 Santa Teresa Blvd., Gilroy, CA 95020

www.gavilan.edu

(408) 848-4800

Dr. Kathleen A. Rose, Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
BOARD POLICY COMMITTEE

Tuesday, June 13, 2017, 5:00 p.m.

Gavilan Gilroy Campus, GECA MP

5055 Santa Teresa Boulevard, Gilroy, CA 95020

(Board Policy Committee Members: Kent Child, Lois Locci, Laura Perry)

MINUTES

I. CALL TO ORDER 5:04 p.m.

Kent Child called the meeting to order at 5:04 p.m.

1. Roll Call

Lois Locci, Laura Perry, Kent Child

Kathleen Rose, Superintendent/President, Nancy Bailey (Recorder), Fred Harris, Walt Glines, Michele Bresso, Wade Ellis, and Kathleen Moberg

2. Approve Minutes, April 12, 2016

MSC (L. Locci/ L. Perry) 3 ayes, 0 nays to approve

3. Comments from the Public

None

II. DISCUSSION ITEM

1. Board Policies and Administrative Procedures Changes recommended by President's Council for Chapter 3, General Institution: BP/AP 3500 - 3900

BP 3500 Campus Safety
BP 3501 Campus Security and Access
AP 3501 Campus Security and Access
BP 3505 Emergency Response Plan
AP 3505 Emergency Response Plan
BP 3510 Workplace Violence Plan
AP 3510 Workplace Violence Plan
BP 3515 Reporting of Crimes
AP 3515 Reporting of Crimes
BP 3520 Local Law Enforcement
AP 3520 Local Law Enforcement
BP 3530 Weapons on Campus
AP 3530 Weapons on Campus
AP 3540 Sexual and Other Assaults on Campus (BP 3540 Approved 1/2016)

Board of Trustees: Jonathan Brusco
Laura A. Perry, Esq.

Kent Child
Lois Locci, Ed.D.

Mark Dover
Rachel Perez

Walt Glines
Iris Cueto



BP 3550	Drug Free Environment and Drug Prevention Program
AP 3550	Drug Free Environment and Drug Prevention
BP 3560	Alcoholic Beverages
BP 3600	Auxiliary Organizations
AP 3600	Auxiliary Organizations
BP 3710	Intellectual Property Copyright
AP 3710	Intellectual Property and Copyright
BP 3720	Computer and Network Use
AP 3720	Computer and Network Use
BP 3810	Claims Against the District
AP 3810	Claims Against the District
BP 3820	Gifts
AP 3820	Gifts
BP 3900	Speech: Time, Place, Manner
AP 3900	Speech: Time, Place, and Manner

Kathleen Rose thanked Nancy Bailey for her work on the proposed changes to the Chapter 3, General Institution board policies and administrative procedures. Kathleen Rose said BP/AP 3500-3900 had been vetted through the participatory governance process with several of the documents requiring additional conversation and edits. She said Chapter 3 has now been fully reviewed but edits recommended by the Community College League of California's (CCLC) for the chapter will still come forward as they occur.

Kathleen Rose noted that BP/AP 3720, Computer and Network Use, was one of the documents reviewed in depth. Due to the many changes in technology and technology data integrity, a manual will be prepared by the IT department along with terms of use compliance signatures required of users. She said that more discussion and education will follow on this topic.

Discussion continued about data integrity awareness and measures being taken by the district. Fred Harris discussed steps to protect personal identification. He said the goal has been to be preventive rather than reactive.

2. Status of Policy Review

Nancy Bailey reviewed that Chapter 1 (The District), Chapter 2 (Board of Trustees), and Chapter 3, part 1 (General Institution"), have all been reviewed through participatory governance and the board of trustees. At the July 2017 and September 2017 board meetings, BP/AP 3500-3900 will be reviewed and considered for approval by the board of trustees. Chapter 4 (Academic Affairs) will start the participatory review process in the fall. Chapter 5 (Student Services) is currently completing that review. Chapters 6 (Business and Fiscal Services) and 7 (Human Resources) will be reviewed next spring.

3. Discussion on New Policy Creation

Kathleen Rose reported that senior staff have discussed the need for new localized policies. She reviewed the Student Success Policy (BP 4600) as an example of an internally created policy. Kathleen Rose said the language for BP 4600 was developed in collaboration with faculty and then several drafts shared with academic senate, participatory governance committees and the board before final approval.

Kathleen Rose said the new funding sources available to the college have changed how we service students and bring them into our system. Some of these practices will not fit our current policies and will come forward as we continue policy review. She said that writing a policy to

reflect our local practice would include reviewing CCLC templates and also legal review by the district.

Kathleen Moberg said there is concern in waiting for a CCLC template to be developed and leaving the district vulnerable in the absence of a policy. She said some colleges are developing their own local policies.

Laura Perry commented that the district needs to be judicious in creating policy and do it only when necessary and Kent Child recommended adhering to “form should follow function” theory. Kathleen Rose said institutional conversations will take place before creating a new localized policy.

III. CLOSING ITEMS

1. Adjournment

The meeting was adjourned by consensus at 5:42 p.m.

Please help keep Gavilan College a litter-free campus and preserve its park-like setting. Thank you.

<http://www.gavilan.edu>

**Gavilan Joint Community College District
Governing Board Agenda**

July 11, 2017

Consent Agenda Item No. II.6 (b)
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

Human Resources

SUBJECT: Personnel Actions

- Resolution: BE IT RESOLVED,
 Information Only
 Action Item

Proposal:

That the Board of Trustees approve personnel actions the District is entering into during the period of June 13, 2017 thru July 11, 2017.

Background:

Board of Trustees approval is required for all personnel actions. The attached items have been prepared in accordance with existing Board policies and laws related to employees within the California Community College system.

Budgetary Implications:

Funds to pay for salaries and benefits of the assignments are included in the final budget for FY 2016-2017.

Follow Up/Outcome:

Human Resources will notify employees of the approved personnel actions and issue authorization to allow processing of payroll when due.

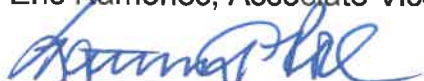
Recommended By: Dr. Eric Ramones, Associate Vice President of Human Resources

Prepared By:



Dr. Eric Ramones, Associate Vice President of Human Resources

Agenda Approval:



Dr. Kathleen Rose, Superintendent/President

A. Classified and Unclassified Personnel Actions – July 11, 2017

Unless otherwise, please refer to the Classified Salary Schedule for the following personnel actions:

I. APPOINTMENTS/PROMOTIONS/TRANSFERS/PERMANENT SCHEDULE CHANGES/WORKING OUT-OF-CLASS

Claudia Traver Instructional Program Specialist
Out of Class Pay
Student Services
July 1, 2017 to December 31, 2017

Holly Strother Custodian
Facilities Services
July 12, 2017

Jeanne Alamdari Purchasing Agent
Business Services
June 19, 2017

MD Humayun Rashid Instructional Program Specialist
Liberal Arts and Sciences
July 12, 2017

II. SHORT TERM AND SHORT TERM PEAK/TEMPORARY APPOINTMENTS

Jessica Gonzalez Student Records Technician
Student Services
June 01, 2017 to December 31, 2017

III. PROFESSIONAL EXPERTS

Alejandra Gomez Curriculum Development
Liberal Arts and Sciences
June 09, 2017 to December 30, 2017

Elaine Carne High School Boot Camp Instructor
Community Development and Grants Management
June 01, 2017 to August 25, 2017

Hanna Tool High School Boot Camp Instructor
Community Development and Grants Management
June 01, 2017 to August 25, 2017

Julie Mangono High School Boot Camp Instructor
Community Development and Grants Management

June 01, 2017 to August 25, 2017

Rashonda Butler High School Boot Camp Instructor
Community Development and Grants Management
June 01, 2017 to August 25, 2017

Tiffani Maria High School Boot Camp Instructor
Community Development and Grants Management
June 01, 2017 to August 25, 2017

Tomas Andrade Soccer Field Painting
Kinesiology and Athletics
April 01, 2017 to April 30, 2017

IV. SUBSTITUTE AND/OR INTERSESSION APPOINTMENTS

NONE

V. REQUESTS FOR LEAVE

Sarahmarie Hoeft Mobility Aid
Extension of Leave
Accessible Education Center
May 15, 2017 to May 31, 2017

VI. PERMISSION TO ENROLL/STAFF DEVELOPMENT

NONE

VII. PERMISSION TO ENROLL/PROFESSIONAL GROWTH

Angelic Macedo ENGL 1C – Critical Reasoning and Writing

Rosalinda Mendoza ENGL 1C – Critical Reasoning and Writing

VIII. APPLICATION FOR AWARD/STAFF DEVELOPMENT

NONE

IX. APPLICATION FOR AWARD/PROFESSIONAL GROWTH

NONE

X. ADDITIONAL DUTY/STIPEND

Emilio Canti-Gil ACES Consortium Work
Liberal Arts and Sciences
June 01, 2017 to June 30, 2017

Gilbert Horta Departmental Assistant
 Accessible Education Center
 June 05, 2017 to June 16, 2017

Sarahmarie Hoeft Departmental Assistant
 Accessible Education Center
 June 05, 2017 to June 16, 2017

XI. VOLUNTEERS

Felicia Lee-Cardenas Volunteer Worker
 Kinesiology
 May 1, 2017 to June 30, 3018

XII. RESIGNATIONS AND RETIREMENTS

Emilio Cantu-Gil Instructional Program Specialist
 Liberal Arts and Sciences
 June 27, 2017

Mary Lastra Instructional Program Specialist
 Community Development and Grants Management
 June 30, 2017

Rosie Armstrong Senior Program Services Specialist
 Community Education
 July 06, 2017

XIII. REQUEST FOR CATASTROPHIC LEAVE CREDITS

NONE

RECOMMENDATION: The Administration recommends approval of the above Classified & Unclassified Personnel Actions.

B. Faculty Personnel Actions – July 12, 2017

Unless otherwise, please refer to the Faculty Salary Schedule for the following personnel actions:

I. APPOINTMENTS

Roberto LaCarra Administration of Justice Instructor
Career Technical Education
August 24, 2017

II. FACULTY OVERLOAD/ADDITIONAL DUTY/STIPENDS

Albert Marques Spanish Immersion Program
Liberal Arts and Sciences
June 05, 2017 to June 16, 2017

David Perez Spanish Immersion Program
Liberal Arts and Sciences
June 18, 2017 to June 30, 2017

David Perez Trained Faculty Evaluator
Liberal Arts and Sciences
August 29, 2017 to December 16, 2017

Elena Datchkova Professional Development
Liberal Arts and Sciences
June 08, 2017 to August 24, 2017

Jane Maringer - Cantu ACES Consortium Work
Community Development and Grants Management
June 1, 2017 to June 7, 2017

Jennifer Nari STEM Reading Apprenticeship
Liberal Arts and Sciences
May 29, 2017 to September 31, 2017

Jennifer Nari Professional Development
Liberal Arts and Sciences
June 08, 2017 to August 24, 2017

Jessica Gatewood Professional Development
Liberal Arts and Sciences
June 08, 2017 to August 24, 2017

Ken Wagman STEM Reading Apprenticeship
Liberal Arts and Sciences
May 29, 2017 to September 31, 2017

Marla Dresh	STEM Reading Apprenticeship Liberal Arts and Sciences May 29, 2017 to September 31, 2017
Mary Ann Sanidad	Basic Skills Student Outcome Transformation Project Director Liberal Arts and Sciences May 29, 2017 to August 24, 2017
Mary Ann Sanidad	ACES Consortium Work Community Development and Grants Management July 01, 2017 to August 25, 2017
Patrick Yuh	STEM Reading Apprenticeship Liberal Arts and Sciences May 29, 2017 to September 31, 2017
Scott Sanddler	Professional Development Liberal Arts and Sciences June 08, 2017 to August 24, 2017
Vania Parakati	Basic Skills Counselor Liberal Arts and Sciences June 01, 2017 to August 25, 2017

III. PART-TIME FACULTY (CREDIT & NON-CREDIT) ASSIGNMENTS/STIPENDS

Ben Pang	High School Boot Camp Instructor Liberal Arts and Sciences June 1, 2017 to August 25, 2017
Celise Elkassed	Curriculum Development Career Technical Education June 09, 2017 to December 30, 2017
Christopher Salander	Physics Instructor Liberal Arts and Sciences June 19, 2017 to August 11, 2017
Diana Gonzalez	Counselor Student Services April 1, 2017 to June 30, 2017
Don Kim	STEM Reading Apprenticeship Liberal Arts and Sciences May 29, 2017 to September 31, 2017

Fatemeh Yarahamdi	Mathematics Instructor Liberal Arts and Sciences June 19, 2017 to December 31, 2017
Jennifer Kurushima	STEM Reading Apprenticeship Liberal Arts and Science May 29, 2017 to September 31, 2017
Jessica Lopez	Department Meetings Career Technical Education March 07, 2017 to May 02, 2017
Jeri Reed	Non-Credit Instructor Community Development and Grants Management June 09, 2017
Jeri Reed	Hospitality Instructor Career Technical Education August 28, 2017
Laura Zee	Business Instructor Career Technical Education June 18, 2017 to June 27, 2017
Linda Wills	STEM Reading Apprenticeship Liberal Arts and Sciences May 29, 2017 to September 31, 2017
Magali Coley	Non-Credit Instructor Community Development and Grants Management June 09, 2017
Mariana Pereyra	Counselor Community Development and Grants Management May 06, 2017
Martin Garcia	High School Bootcamp Instructor Community Development and Grants Management May 06, 2017 to August 25, 2017
Martha Oral	Professional Development Liberal Arts and Sciences June 08, 2017 to August 24, 2017
Milena Liles	Biology Instructor Liberal Arts and Sciences June 19, 2017 to August 11, 2017

Philip Kobylarz	English Instructor Liberal Arts and Sciences June 19, 2017 to July 28, 2017
Raylene Poter	STEM Reading Apprenticeship Liberal Arts and Sciences May 29, 2017 to September 31, 2017
Tiffany Palsgrove	Directed Learning Development Community Development and Grants Management June 01, 2017 to August 24, 2017
Tiffany Palsgrove	Professional Development Liberal Arts and Sciences June 08, 2017 to August 24, 2017
Ulyses Maciel	Part-Time Instructor South Bay Regional Public Safety Consortium December 19, 2016
Wilson Cudal de Ocera	High Scholl Boot Camp Instructor Liberal Arts and Sciences June 1, 2017 to August 25, 2017

IV. SUBSTITUTE AND/OR INTERSESSION APPOINTMENTS

Bea Lawn	English as a Second Language Instructor Substitute Liberal Arts and Sciences March 23, 2017
Celise Elkassed	English Instructor Liberal Arts and Sciences April 14, 2017
Christina Borello	Allied Health Instructor Substitute Career Technical Education February 06, 2017
Christina Borello	Allied Health Instructor Substitute Career Technical Education February 23, 2017
Christina Borello	Allied Health Instructor Substitute Career Technical Education April 27, 2017
Janet Cunningham	Business Office Technologies Instructor Substitute Career Technical Education March 30, 2017

Julie Campilli	English Instructor Substitute Liberal Arts and Sciences May 25, 2017
Karen Diehl	English Instructor Substitute Liberal Arts and Sciences May 04, 2017
Karen Warren	English Instructor Substitute Liberal Arts and Sciences April 11, 2017 and May 1, 2017
Laura Brigantino	Allied Health Instructor Substitute Career Technical Education April 13, 2017
Laura Brigantino	Allied Health Instructor Substitute Career Technical Education May 12, 2017 to May 13, 2017
Lynn Lockhart	English Instructor Substitute Liberal Arts and Sciences March 15, 2017
Martin Garcia	English Instructor Substitute Liberal Arts and Sciences November 21, 2017 to November 30, 2017
Stephanie Conroy	Child Development Instructor Substitute Career Technical Education May 03, 2017
Susan Alonzo	Child Development Instructor Substitute Career Technical Education April 28, 2017
Svetlana Tyuleneva	English Instructor Substitute Liberal Arts and Sciences March 10, 2017

V. REASSIGNMENTS

NONE

VI. RESIGNATIONS AND RETIREMENTS

NONE

VII. REQUEST FOR LEAVE

NONE

VIII. REQUEST FOR CATASTROPHIC LEAVE CREDITS

NONE

IX. NEW FSA ASSIGNMENT

NONE

RECOMMENDATION: The Administration recommends approval of the above Faculty Personnel Actions.

D. Administration Personnel Actions – July 11, 2017

Unless otherwise, please refer to the Administrative Salary Schedule for the following personnel actions:

I. APPOINTMENTS/CONTRACT RATIFICATION AND EXTENSIONS

Daniel Chavez	Student Trustee Board of Trustees June 13, 2017
---------------	---

II. ADDITIONAL DUTY/STIPENDS

NONE

III. BOARD MEMBER APPROVED ABSENCE

NONE

IV. BOARD MEMBER RESIGNATION

NONE

V. RESIGNATIONS AND RETIREMENTS

NONE

RECOMMENDATION: The Administration recommends approval of the above Administrative Personnel Actions.

Gavilan Joint Community College District Governing Board Agenda

July 11, 2017

Consent Agenda Item No. II.6 (c) Administrative Services
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT: Warrants and electronic transfers drawn on District Funds

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees ratify warrants and electronic transfers drawn on district funds for the period of June 1, 2017 – June 31, 2017.

Background:

In accordance with Education Code Section 85266.5 the Board of Trustees will review for ratification of warrants issued.

Warrants:

Dates	Warrant Numbers	Amount
6/1/17 – 6/31/17	18049048 - 18049770	\$1,897,492.42

Electronic Transfers:

Dates	Description	Amount
None to report		

The complete warrant and electronic transfer list is available for review in the President's Office.

Budgetary Implications:

Expenditures are included in the budget for FY 2016-2017.

Follow Up/Outcome:

No further action is required.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Wade W. Ellis, CPA
Wade W. Ellis, CPA – Associate Vice President, Business Services & Security

Agenda Approval: Kathleen A. Rose
Dr. Kathleen A. Rose, Superintendent/President

Gavilan Joint Community College District Governing Board Agenda

July 11, 2017

Consent Agenda Item No. II.6 (e) Administrative Services
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT: Purchase Order Ratification

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees approve the attached June 2017 list of purchase orders for FY 2016-17.

Background:

During the fiscal year purchase orders are used to acquire goods and services for the District. California Code of Regulations title 5 §Sec. 81655 requires the Board of Trustees to ratify District purchases orders issued.

Budgetary Implications:

Purchase Orders are needed to accommodate expenditure needs of various departments' budgets to appropriate general fund and categorical programs.

Follow Up/Outcome:

No further action is required.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Wade W. Ellis, CPA
Wade W. Ellis, CPA – Associate Vice President, Business Services & Security

Agenda Approval: Dr. Kathleen A. Rose
Dr. Kathleen A. Rose, Superintendent/President

Purchase Order	Transaction Date	Vendor Name	Amount
P0007537	6/1/2017	Follett Higher Education Group	\$238.60
P0007539	6/1/2017	Amazon Business	\$152.79
P0007534	6/1/2017	Relampit	\$1,007.16
ASB17025	6/1/2017	Peninsula Business Interiors Inc	\$106,166.32
ASB17026	6/1/2017	Card Integrators Corporation	\$2,663.96
P0007535	6/1/2017	Dell Marketing	\$4,606.43
P0007536	6/1/2017	Dell Marketing	\$2,442.28
P0007538	6/1/2017	Dell Marketing	\$11,516.07
P0007540	6/1/2017	Dice Communications Inc	\$227.85
P0007541	6/2/2017	Dice Communications Inc	\$915.60
P0007542	6/6/2017	Audio Video Installation	\$1,900.00
P0007543	6/7/2017	Accurate Printing & Promotions	\$247.36
P0007544	6/7/2017	The RP Group	\$10,000.00
P0007546	6/7/2017	Follett Higher Education Group	\$3,801.92
OP17453	6/7/2017	Bohannon, Kimberley	\$14,700.00
P0007548	6/7/2017	South Bay Scenic LLC	\$4,632.50
P0007554	6/7/2017	The RP Group	\$487.50
P0007558	6/7/2017	SVM LP	\$9,985.95
P0007563	6/7/2017	Follett Higher Education Group	\$3,000.23
P0007565	6/7/2017	The RP Group	\$637.50
P0007567	6/7/2017	Hill, Andrew	\$600.00
P0007568	6/7/2017	Guerin, Marilyn	\$600.00
P0007569	6/7/2017	Palace Art & Office Supply	\$279.04
P0007570	6/7/2017	WRD Consulting Group LLC	\$13,125.00
P0007556	6/7/2017	Riso, Karen	\$14.27
P0007547	6/7/2017	Richard McMahon	\$2,547.88
P0007549	6/7/2017	AKT Enterprises Group, Inc.	\$1,462.87
P0007550	6/7/2017	AKT Enterprises Group, Inc.	\$1,114.31
P0007551	6/7/2017	AKT Enterprises Group, Inc.	\$284.05
P0007552	6/7/2017	Crooks, Alleen	\$593.23
P0007553	6/7/2017	Crooks, Alleen	\$687.65
P0007555	6/7/2017	The Print Shop	\$102.20
P0007557	6/7/2017	EnviroScience Inc	\$6,500.00
P0007559	6/7/2017	Cottage Floors	\$19,167.49
P0007560	6/7/2017	Thomson West Barclays	\$180.00
P0007561	6/7/2017	Sehi Computer Products	\$311.75
P0007562	6/7/2017	Sehi Computer Products	\$383.70
P0007564	6/7/2017	School Outfitters LLC	\$1,394.76
P0007566	6/7/2017	Division Of The State Architect	\$238.00
P0007571	6/7/2017	Riso, Karen	\$158.04
CON10091	6/7/2017	Foundation for California Community Colleges	\$2,000.00
P0007572	6/12/2017	Williams Scotsman Inc	\$845.93
P0007573	6/12/2017	Williams Scotsman Inc	\$858.62
P0007574	6/12/2017	Williams Scotsman Inc	\$845.33
P0007575	6/12/2017	Williams Scotsman Inc	\$845.38

P0007576	6/21/2017	WRD Consulting Group LLC	\$12,000.08
CON10106	6/22/2017	Access Communications Inc	\$30,470.00
CON10104	6/22/2017	San Jose State University	\$341,000.00
CON10109	6/22/2017	Higher Ed Profiles	\$20,000.00
CON10105	6/26/2017	Corralitos Electric Service	\$74,000.00
CO11019A	6/26/2017	Instructure	\$1,086.00
CON10107	6/26/2017	Access Communications Inc	\$2,439.03
CO10115	6/28/2017	CampusLogic, Inc	\$3,125.00
P0007578	6/28/2017	Palace Art & Office Supply	\$7,314.67
P0007579	6/28/2017	Palace Art & Office Supply	\$630.02
Total			\$726,534.32

Meeting Date: July 11, 2017

Agreement Number	Amount	Vendor	Description
CON10122	\$ 410.00	San Benito County Fair	Booth @ San Benito County Fair for Advertising / Promotion Period of Service: 9/28/17-10/1/17
CON10123	\$ 956.00	Metro Publishing	Avertising - Display Ad for Advertising / Promotion Period of Service: 7/5/17-7/12/2017
CON10124	\$ 10,000.00	Outfront Media LLC	Advertising - VTA Bus for Advertising / Promotion 7/3/17-9/10/17
CON10125	no fee	SBC Community Services	Training Scholarship - Brein Alvarez Course / Program for Contract Education 6/24/17-3/31/18
CON10126	\$ 60,000.00	Syllogize Inc	Consulting & progamming for State MIS reporting for non-instructional Contracted Services 7/1/17-6/30/18
CON10127	\$10,000.00	Triad Consulting Group	Feedback Workshop for workshop 7/13/18-8/16/17
CON10128	\$ 3,672.73	Eureka	Eureka Software / CA Career Info System for licensing the Eureka site 7/1/17-8/31/18
CON10129	no fee	Community Housing Improvement	Facilities Use for ESL Program for use of Briggs lease agreement 5/15/17-6/20-22
CON10130	\$ 240,000.00	Education Advisory Board	Programming for District Software for non-instructional Contracted Services 5/26/17-6/1/18
CON10131	\$ 50,000.00	County of San Benito	Oversee the Cal WORK's Program for non-instructional Contracted Services 7/1/17-6/30/18
CON10132	\$ 3,690.00	Ellucian	Oracle Software License & Maintenance Fee for software Licensing 6/30/17-6/30/21
CON10133	\$36,000	Axiom Engineers, Inc.	Provide Engineering Services for the Design of the Health Occupations Building and Theater Chillers 6/15/17-10/31/17

Fund 100

DECREASE			INCREASE				Budget	
Organization #	Account Code	Program #	Amount	Organization #	Account Code	Program #	Amount	Entry
<i>Budget changes within the same fund to accommodate expenditure & revenue needs of various departments</i>								
660210	5150		\$ (0.84)	601310	3412		\$ 0.50	
660210	5630		\$ (0.16)	601310	3422		\$ 0.50	
630010	6411		\$ (393.00)	630010	6400		\$ 393.00	
984210	4711		\$ (105.00)	984310	4310		\$ 105.00	
984410	4710		\$ (92.00)	984410	4711		\$ 92.00	
984410	5130		\$ (200.00)	984410	4711		\$ 200.00	
984410	5130		\$ (117.00)	984410	5613		\$ 117.00	
984410	5831		\$ (5.00)	984410	5425		\$ 5.00	
984410	5831		\$ (95.00)	984410	5613		\$ 95.00	
984310	5613		\$ (980.00)	984310	5130		\$ 980.00	
984310	5613		\$ (687.00)	984310	4710		\$ 687.00	
984310	5613		\$ (258.00)	984310	4310		\$ 258.00	
984310	5613		\$ (82.00)	984310	5264		\$ 82.00	
984310	5613		\$ (26.00)	984310	5240		\$ 26.00	BU1787
999910	7391		\$ (15.00)					
			<u>(\$3,056)</u>				<u>\$3,041</u>	
Final (Adopted) Estimated Beginning Fund Balance at 7/1/16							\$3,358,623	
Change to Actual Fund Balance at 7/1/16					\$974,606			
Actual Beginning Balance at 7/1/16							\$4,333,229	
Final (Adopted) Budget Net Change in Fund Balance							(\$595,261)	
Budget adjustments from current year's previous months to increase (decrease) net change to fund balance					\$493,067			
Current decrease in budgeted expenditures increases Fund Balance					\$3,056			
Current increase in budgeted expenditures decreases Fund Balance					(\$3,041)			
Revised Net Change in Ending Fund Balance							<u>\$493,082</u>	
Estimated Ending Fund Balance 6/30/17 for General Fund 100							<u>\$4,231,050</u>	

Fund 270 INCOME - Increase/(Decrease)				Fund 270 EXPENSE - Increase/(Decrease)				Budget
Organization #	Account Code	Program #	Amount	Organization #	Account Code	Program #	Amount	Entry
<i>Budget changes within the same fund to accommodate expenditure & revenue needs of various departments</i>								
				125127	5240		800.00	
				125127	3110		(800.00)	
100827	8840		2,671.00	100827	5831		2,671.00	BU1787
642827	8623		4,069.00	642827	2110		3,450.00	
					3212		475.00	
					3312		55.00	
					3322		50.00	
					3512		2.00	
					3612		2.00	
					3712		35.00	BU1788
Total Fund 270			<u>\$6,740</u>				<u>\$6,740</u>	

Final (Adopted) Estimated Beginning Fund Balance at 7/1/16		\$0
Change to Actual Fund Balance at 7/1/16	\$0	\$0
Actual Beginning Balance at 7/1/16		\$0
Final (Adopted) Budget Net Change in Fund Balance		\$0
Budget adjustments from current year's previous months to increase (decrease) net change to fund balance	\$0	
Current increase in budgeted revenue increases Fund Balance	\$6,740	
Current increase in budgeted expenditures decreases Fund Balance	(\$6,740)	
Revised Net Change in Ending Fund Balance		<u>\$0</u>
Estimated Ending Fund Balance 6/30/17 for Restricted General Fund 270		<u><u>\$0</u></u>

Fund 470

INCOME - Increase/(Decrease)			EXPENSE - Increase/(Decrease)				Budget Entry	
Organization #	Account Code	Program #	Amount	Organization #	Account Code	Program #		Amount
<i>Budget changes within the same fund to accommodate expenditure & revenue needs of various departments</i>								
111147	8824		(91,303.00)	999947	8824		91,303.00	BU1787
	Total Fund 470		<u>(\$91,303)</u>				<u>\$91,303</u>	

Final (Adopted) Estimated Beginning Fund Balance at 7/1/16		\$0
Change to Actual Fund Balance at 7/1/16	\$488,472	
Actual Beginning Balance at 7/1/16		\$488,472
Final (Adopted) Budget Net Change in Fund Balance	\$0	(\$307,670)
Budget adjustments from current year's previous months to increase (decrease) net change to fund balance	\$647	
Current increase in budgeted revenue increases Fund Balance	(\$91,303)	
Current increase in budgeted expenditures decreases Fund Balance	\$91,303	
Revised Net Change in Ending Fund Balance		<u>\$647</u>
Estimated Ending Fund Balance 6/30/17 for General Fund 470		<u><u>\$181,449</u></u>

RECOGNITION

Gavilan Joint Community College District Governing Board Agenda

July 11, 2017

Consent Agenda Item No.
Information/Staff Reports No. II.8 (a)
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

Office of the President

SUBJECT: Recognition of the Employees of the Month

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal: That the Board of Trustees review recognition of the following Employees of the Month.

Background:

The purpose of the Employee of the Month Award program is to encourage employee excellence and dedication and to let employees know that they are valued for their unique contributions.

Employee of the Month May 2017 – Eric Dietze

Eric Dietze has worked as a Sr. Computer Hardware/Software Technician for over 15 years. Within the past 6 months, Eric has taken the lead role on many IT projects, such as Uninterruptible Power Supply (UPS) replacement, Papercut/Copier implementation, and CI Badge Student ID Card System. Eric provides ongoing technical support to several departments, which increases operational efficiency critical to fostering student success. He consistently provides excellent customer service and is a major contributor to Gavilan College. Whenever Eric is email with a problem, he shows up, in person, sometimes within minutes! He follows up, follows through, and is very helpful in troubleshooting and getting ahead of new problems.

Employee of the Month June 2017 – Alice Dufresne – Reyes

Gavilan's College Health Nurse, Alice Dufresne-Reyes, has a long history with the college. She has coordinated the successful Health Faire for over 20 years, and has been key in campus discussions around Mental Health, Sexual Violence, healthy living, and other health education topics. In the last couple of years she has brought the NAMI kiosk to campus and has earned several grants to bring the campus new resources, such as Kognito. She and her very limited staff are often seen at "tabling" events, and she organizes panels and presenters to bring important topics to campus. She is also

the campus editor of Student Health101. Her many community partnerships assist the campus in areas we are unable to provide services, and she has been an important member of the Gavilan fledgling Behavior Intervention Team. For a campus of Gavilan's size, we have a tremendous number of health-related events, and despite the small size of our health office, Alice continues to strive to provide the resources our students need.

Budgetary Implications:

NONE

Follow Up/Outcome:

1. The Human Resources Director will contact the employee and let them know that he/she was selected as the EMPLOYEE OF THE MONTH.
2. The Human Resources Director will send an announcement campus-wide.
3. The employee will be recognized by his/her department supervisor.
4. The employee will be recognized in the Campus Newsletter by the PIO.
5. The employee will be recognized at the district's annual Employee Recognition Banquet held in May.
6. The employee's name will be placed on the wall plaque located in the North/South Lounge.
7. The employee will receive a desktop award with his/her name engraved.

Recommended By: Dr. Kathleen Rose, Superintendent/President

Prepared By: 
Dr. Eric Ramones, Associate Vice President of Human Resources

Agenda Approval: 
Dr. Kathleen Rose, Superintendent/President

INFORMATION

**Gavilan Joint Community College District
Governing Board Agenda**

June 13, 2017

Consent Agenda Item No.
Information/Staff Reports No. II: 11(a)
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

Office of the President

SUBJECT: Board Policies and Administrative Procedures

- Resolution: BE IT RESOLVED,
 Information Only
 Action Item

Proposal:

That the Board review and comment as appropriate regarding the proposed changes to Board Policies and the Administrative Procedures, Chapter 3 General Institution: BP/AP 3500 – 3900 as attached.

Background:

The policies and procedures have gone through the shared governance process and have been reviewed by the Board Policy Subcommittee.

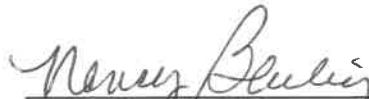
Budgetary Implications:

Follow Up/Outcome:

The procedures will be posted online and implemented. The policies will be presented to the Board of Trustees for a second reading and action at the next Board meeting.


Recommended By: Kathleen A. Rose, Ed.D., Superintendent/President

Prepared By:



Nancy Bailey, Executive Assistant

Agenda Approval:



Kathleen A. Rose, Ed.D., Superintendent/President

Chapter 3 General Institution

Note: All Chapter 3, General Institution, Board Policies and Administrative Procedures are being reviewed. The first portion BP/AP 3100 – 3440 were reviewed and approved by the Board of Trustees May, 2016. The balance of Chapter, BP/AP 3500 – 3900, is presented here for your review. The policies and procedures with recommended edits are identified in **bold**.

Edits are usually:

- Changes to accreditation standards
 - Updates recommended by the Community College League of California policy subscriber service (ongoing legislative/regulation changes, court decisions, etc.)
 - Internally generated
-

BP 3500	Campus Safety
BP 3501	Campus Security and Access
AP 3501	Campus Security and Access
BP 3505	Emergency Response Plan
AP 3505	Emergency Response Plan
BP 3510	Workplace Violence Plan
AP 3510	Workplace Violence Plan
BP 3515	Reporting of Crimes
AP 3515	Reporting of Crimes
BP 3520	Local Law Enforcement
AP 3520	Local Law Enforcement
BP 3530	Weapons on Campus
AP 3530	Weapons on Campus
AP 3540	Sexual <u>and Other</u> Assaults on Campus (BP 3540 Approved 1/2016)
BP 3550	Drug Free Environment and Drug Prevention Program
AP 3550	Drug Free Environment and Drug Prevention
BP 3560	Alcoholic Beverages
BP 3600	Auxiliary Organizations
AP 3600	Auxiliary Organizations
BP 3710	Intellectual Property Copyright
AP 3710	Intellectual Property and Copyright
BP 3720	Computer <u>and Network</u> Use
AP 3720	Computer and Network Use
BP 3810	Claims Against the District
AP 3810	Claims Against the District
BP 3820	Gifts
AP 3820	Gifts
BP 3900	Speech: Time, Place, Manner
AP 3900	Speech: Time, Place, and Manner

Reviewed with no recommended changes.

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 President of the College 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

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

Edits recommended

BP 3501 Campus Security and Access

References:

***34 Code of Federal Regulations Part 668.46(b)(3);
ACCJC Accreditation Standard III.B.1***

The Superintendent/President shall establish procedures for security and access to District facilities.

See Administrative Procedure #3501

Reviewed and Amended by the Board of Trustees: _____
Approved by the Board of Trustees: October 9, 2012

Edits recommended

AP 3501 Campus Security and Access

Reference:

**34 Code of Federal Regulations Part 668.46(b)(3);
ACCJC Accreditation Standard III.B.1**

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 Campus Security. In the case of periods of extended closing, the District will admit only those with prior written approval to all facilities.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic will have regular periodic security surveys. The Associate Vice President, Director of Security and Support Business & Security Services and the Director of Facilities Services 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 Vice President of Administrative Services, Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ and Director of Facilities meet to discuss issues of pressing concern.

A written set of procedures concerning Gavilan campus security can be viewed at www.gavilan.edu/safety/ .

Reviewed with no recommended changes.

BP 3505 Emergency Response Plan

References:

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

The District shall have emergency response and evacuation procedures for notifying the campus community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The Superintendent/President shall establish procedures that ensure that the District implements a plan to be activated in the event of an emergency or the occurrence of a natural disaster or hazardous condition. This plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The plan must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.

Compliance with NIMS and SEMS mandates include but are not limited to:

- Establishing disaster preparedness procedures or a plan; and
- Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
 - Training requirements vary based on job titles or assigned roles within the emergency plan

College personnel must be informed that as public employees, they are also disaster service workers during national, state, and local emergencies. The District must ensure that its employees are in compliance with the disaster service worker oath requirements. The Superintendent/President should ensure that a team is created to carry out compliance with NIMS and SEMS mandates. The responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions, and state.

The plan should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response and

recovery. The District must ensure that its plan is updated regularly. Colleges must comply with NIMS and SEMS to receive federal or state funding.

See Administrative Procedure #3505

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: October 9, 2012

AP 3505 Emergency Response Plan

References:

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

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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

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

Upon confirmation or verification by the District that a legitimate emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the District will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The District will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Security, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the campus community, the District has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages that can be sent to a phone or Personal Digital Assistant (individuals can sign up for this service on the District web site), public address system, phone calling trees, District website and emergency messages that scroll across computer screens when logged

into the District's computer system. The District will post updates during a critical incident on the District web site at www.gavilan.edu. Individuals can call the District's recorded information telephone line at 408-852-2826 for updates.

The District's Public Information Officer will be responsible for the dissemination of emergency information to the larger community through cell phone alerts to student and staff, radio, TV alerts, campus email and the phone system.

TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

An evacuation drill is coordinated by the Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ once per year for all facilities on campus. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The District Security does not establish locations for evacuation in advance about the designated locations for evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Security and District staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

Evacuation drills are monitored by the Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ and District administration to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

The District conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. The Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ and District administration coordinate announced and unannounced evacuation drills once per year, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. For each test conducted, the District Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ will document a description of the exercise, the date, time, and whether it was announced or unannounced. The District will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

Overview

This Emergency Response Plan (ERP) provides direction in the event of an emergency. It is the goal and purpose of this plan to protect the safety and security of those associated with the District should an emergency occur. The effective use of this plan will help:

- Protect life and safety,
- Reduce property and environmental damage,
- Minimize disruption and economic losses, and
- Shorten the recovery period.

To ensure effective implementation of this plan, all personnel designated to carry out specific responsibilities are expected to know and understand the policies and procedures outlined in this document and other associated supporting documents.

The District's response to a major crisis will be conducted within the framework of this plan except when directed otherwise by the Superintendent/President or the Superintendent/President's appointed representative. The plan includes a chain of command that establishes decision-making authority during an emergency.

Scope and Definitions

An emergency is defined as a sudden state of danger that occurs unexpectedly and that demands immediate action to protect the health and safety of individuals within the institution. The following are examples of emergency situations:

- Bomb threat
- Earthquake
- Explosion
- Fire
- Hazardous materials spill/release
- Hostage situation
- Campus shooting
- Terrorist incident

Specific information about the District's response plan for a potential outbreak of flu-like illness (including H1N1) can be found here. Other emergency procedures can be found here.

Crisis Management Response Structure

In the event of an emergency, the Associate Vice President, Business & Security Services ~~Director of Safety and Support Services~~ or designee will contact the Superintendent/President and Vice Presidents to report the emergency.

The above managers will convene (via conference call if necessary) and decide whether to declare a state of emergency, start the process of notifying the community and media if necessary, and review and discharge responsibilities as detailed in the plan (below). The Superintendent/President will convene the Emergency Response Team (ERT) and activate the Emergency Operations Center (EOC) if necessary to participate in the execution of the plan. The ERT consists of representatives from community safety, computer and information services, environmental health and safety, facilities services, public affairs, student services, residence life, health and counseling, human resources, conference and events planning, and food services.

Update and Drill

The ERT and designees will review and update this plan each year or more frequently, as needed. ERT members will practice emergency procedures on a regular basis and will obtain training or re-training as needed.

Emergency Response Team Responsibilities

The manner in which college personnel and equipment are utilized during an emergency will be determined by the ERT under the direction of the Incident Commander or his/her designee. The ERP will remain in effect until the Superintendent/President or his/her designee deems the college ready to return to normal operation.

Emergency Level Definitions and Responses

In all types of emergencies, once outside agencies arrive on the scene (i.e., Police Department, Fire Bureau, Emergency Management Agency personnel, etc.) these agencies will assume control of the operations. The ERT and EOC will act as resources to these responders.

The following definitions of emergency levels determine the type of response:

Level 1 Emergency (least serious)

Characteristics

- may involve threat of incident rather than actual incident
- may be addressed with college personnel and resources
- outside assistance may be called upon
- may be limited to small area of campus
- potential impact on health, safety, or property
- may interrupt classes and college operations for limited time (up to half a day)

Examples

- unplanned power outage
- approaching blizzard, storm, or other natural event
- water pipe break
- unidentified odor
- injured, missing, or deceased individual
- mild pandemic outbreak

Response Profile

- Dispatcher notifies ~~Associate Vice President, Business & Security Services Director of Security and Support Services~~ or Safety Officer and the Director of Management Information Systems
- ~~Associate Vice President, Business & Security Services Director of Security and Support Services~~ or the Safety Officer notifies the Executive Team
- Superintendent/President and the ~~Associate Vice President, Business & Security Services Director of Security and Support Services~~ decide whether or not to activate ERT and EOC
- Assess extent of incident impact on health, safety, property
- Decide whether evacuation is required; initiate as needed
- Decide whether medical or other outside assistance is required; contact as needed
- Decide on notification to community; send message(s); update web site as needed
- Account for students, personnel, and visitors involved in incident
- Decide on continuity of classes and college operations; notify community
- Update community on progress and final resolution of incident
- Determine incident follow-up plan

Level 2 Emergency

Characteristics

- requires outside assistance, primarily from local services
- may involve large portions or all of campus
- potential loss of life
- potential serious impact on health, safety, or property

- will interrupt classes and college operations for more than half a day
- pandemic outbreak

Examples

- weather event
- earthquake (minimal structural damage)
- bomb threat
- hazardous materials release/spill
- widespread/prolonged power outage
- violence or civil disturbance

Response Profile

- Dispatcher notifies Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ or Safety Officer and the Director of Management Information Systems
- Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ or the Safety Officer notifies the Superintendent/President
- The Superintendent/President, Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ or designee activates ERT and EOC
- Assess extent of incident impact on life, health, safety, property
- Decide whether evacuation is required; initiate as needed
- Decide whether medical or other outside assistance is required; contact as needed
- Notification to community; send message(s); update web site
- Account for all students, personnel, and visitors
- If no evacuation needed, ensure adequate food, water, heat, medical supplies, waste disposal, etc. for campus residents
- Decide on continuity of classes and college operations; notify community
- Establish media center; establish communication channels with relatives, government agencies, vendors, the public, etc.
- Update community on progress and final resolution of incident
- Determine incident follow-up plan

Level 3 Emergency (most serious)

Characteristics

- requires outside assistance from local, possibly state and federal services
- involves all of campus
- potential loss of life
- severe impact on health, safety, or property
- classes and college operations suspended for an extended period
- long-term effects on the college

Examples

- shooting
- uncontained fire
- severe weather event
- major earthquake (serious structural damage)
- explosion
- uncontained bio, chemical, or nuclear hazard

- terrorist incident
- pandemic outbreak

Response Profile

- Contact emergency responders and assist them as needed
- Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ or Safety Officer and the Director of Management Information Systems
- Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ or Safety Officer notifies the Executive Team
- Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ or Safety Officer activates ERT and EOC
- Assess extent of incident impact on life, health, safety, property
- Decide whether evacuation is required; initiate as needed
- Decide whether medical or other outside assistance is required; contact as needed
- Notify the community by sending message(s) to media outlets and updating the District's web site at www.gavilan.edu
- Activate emergency web site and other emergency communications channels as needed
- Account for all students, personnel, and visitors
- If no evacuation needed or possible, ensure adequate food, water, heat, medical supplies, waste disposal, etc. for campus residents
- Decide on resumption of classes and college operations; notify community
- Establish media center; establish communication channels with relatives, government agencies, vendors, the public, etc.
- Update community on progress and final resolution of incident
- Determine incident follow-up plan

EMERGENCY TELEPHONE NUMBERS

American Red Cross	800-733-2767
Safety	"10" or 408-710-7490
Emergency Management Office	916-845-8510
FBI (San Francisco Office)	415-553-7400
Fire/Police/Medical Emergency	911
Health Services (from on campus)	408-848-4791 or ext. 4791
Gas Company (PG&E)	800-743-5000
Poison Control Center	800-222-1222
Electric Company (PG&E)	800-743-5000
Police/Local Law Enforcement:	
Emergency	911
Non-emergency:	
On Gilroy Campus	"10" or 408-710-7490
City of Hollister	831-636-4330
City of Morgan Hill	408-779-2101
Santa Clara County Sheriff	408-683-2681
Local Hospital:	
Saint Louise Regional Hospital (Gilroy)	408-848-2000
Hazel Hawkins Memorial Hospital (<u>Hollister</u>)	831-637-5711
Local Trauma Center:	
Santa Clara Valley Medical Center (<u>San Jose</u>)	408-885-5000

Additional Resources/Information

There are a number of additional resources that are available regarding crisis response. These include the following:

Federal Emergency Management Agency

www.fema.gov

Red Cross

www.redcross.org

The Office of Homeland Security

www.whitehouse.gov/homeland/

A Guide to Citizen Preparedness

www.fema.gov/areyouready/

____Are You Ready: A Guide to Citizen Preparedness brings together facts on disaster survival techniques, disaster-specific information, and how to prepare for and respond to both natural and human disasters.

DisasterHelp

www.disasterhelp.gov

The DisasterHelp website is an initiative of the federal government is aimed at greatly enhancing disaster management on an inter-agency and inter-governmental basis.

Reviewed and Amended by the Board of Trustees: _____
Approved by the Board of Trustees: August 14, 2012

Edits recommended

CCLC Note: The title of this policy and procedure was updated for clarity.

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 President of the College shall establish administrative procedures that 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

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

AP 3510 Workplace Violence Plan

Reference:

***Cal/OSHA; Labor Code Sections 6300 et seq.
Title 8, Section 3203
Code of Civil Procedure Section 527.8
Penal Code Sections 273.6; 626.9; and 626.10; ~~and 12021~~***

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

Responding to Threats of Violence

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

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

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

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

The following actions are considered violent acts:

- Striking, punching, slapping or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening or unwanted horseplay.
- Possession, use, or threat of use, of a firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his or her employment, has been authorized by a District

employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his or her duties.

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

- ~~Associate Vice President, Business & Security Services~~ *Director, Security and Support Services* ~~408-848-4720~~ 408-848-4739
- *Vice President, Administrative Services* 408-848-4715
- *President of the College* 408-848-4712
- *Vice President, Instructional Services* 408-848-4760
- *Vice President, Student Services* 408-848-4730

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

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

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, appropriate law enforcement personnel will be called.

Reviewed with no recommended changes.

BP 3515 Reporting of Crimes

Reference:

Education Code Section 67380

The President of the College shall assure that, as required by law, reports are prepared of all occurrences reported to campus security of and arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The President of the College 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

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

AP 3515 Reporting of Crimes

References:

Education Code Section 212 and 67380, 67383, and; 87014;
Penal Code Sections 245 and 422.55;
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998;
20 U.S.C. United States Code § 1232g;
34 Code of Federal Regulations Parts 99.31(a)(13), (14) and 668.46;
34 C.F.R. 668.46; 34 C.F.R. 99.31(a)(13), (14)
Campus Security Act of 1990

Members of Gavilan College who are witnesses or victims of a crime should immediately report the crime to campus security.

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

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

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Persons who were not arrested for liquor law violations, drug law violations, and illegal weapons possession, but who were referred for campus disciplinary action for same;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability and involve larceny-theft, simple assault, intimidation,

destruction/damage/vandalism of property, or any other crime involving bodily injury;

- Those reported to campus security; and
- Those that are considered to represent a continuing threat to other students and employees.

In the event that a situation arises, either on or off campus, that, in the judgment of the Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ or designee constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail system to students, faculty, staff, the emergency alert system, and/or student media outlets. The information shall be disseminated by campus security or the Public Information Officer in a manner that aids the prevention of similar crimes.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Public Information Officer may also post a notice on the campus-wide electronic bulletin board on the Gavilan College web site at: www.gavilan.edu, providing the community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff and students. Anyone with information warranting a timely warning should report the circumstances to the campus security, by phone 408-710-7490 or dial 911.

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

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures.

The District shall annually collect and distribute statistics concerning crimes on campus. All college staff with significant responsibility for student and campus activities shall report crimes about which they receive information.

The District shall publish an Annual Security Report every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims' assistance program, student discipline, campus resources and other matters. The District shall make the report available to all current students and employees. The District will also provide ~~perspective~~-prospective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the Associate Vice President, Business & Security Services ~~Director of Security and Support Services~~ at 5055 Santa Teresa Boulevard, Gilroy, CA 95020 or at the Website address published in the class schedule and course catalog.

To Report a Crime:

Contact Campus Security at 408-848-4703 (non-emergencies) and dial 9-1-1 or “10” from a campus phone and/or 408-710-7490 (emergencies only). To report a crime at the Hollister or Morgan Hill sites dial 9-1-1 and then follow up with a call to Campus Security at 408-710-7490. Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside

buildings should be reported to the security department. After reporting the crime to as noted above, you may also contact:

- Vice President of Administrative Services, or designee 408-848-4715
- Vice President of Student Services, or designee 408-848-4732
- Associate Vice President of Human Resources and Labor Relations Director,
Human Resources _____ 408-848-4753

The District does not allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

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

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

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

Required Reports to Local Law Enforcement Agency

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, that is received by a campus security authority and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency. The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of his/her right to have his/her personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency unless the institution determines that both of the following apply, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and notify the victim of the disclosure:

- the alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and
- the immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

Reviewed and Amended by the Board of Trustees: _____
Amended by the Board of Trustees: March 11, 2014
Amended by the Board of Trustees: August 14, 2012
Approved by the Board of Trustees: December 11, 2001

Edits recommended.

BP 3520 Local Law Enforcement

References:

***Education Code Sections 67381 and 67381.1;
34 Code of Federal Regulations Section 668.46(b)(4)***

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

Gavilan College in Gilroy, Morgan Hill, Hollister, and all other instructional site locations encourages accurate and prompt reporting of all crimes to the campus security and/or the appropriate police agencies. The Superintendent/President shall establish procedures that encourage counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

See Administrative Procedure #3520

Reviewed and Amended by the Board of Trustees: _____
Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: December 11, 2001

Edits recommended.

AP 3520 Local Law Enforcement

References:

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

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 Vice President, Administrative Services.

The Security Department maintains a close working relationship with the Santa Clara County Sheriff's Department (SCCSD). The Security Department occasionally works with other law enforcement agencies, including the California Highway Patrol, San Benito County Sheriff's Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments. Meetings may be held between the leaders of these agencies on both a formal and informal basis. The Security Department and California Highway Patrol, SCCSD, San Benito County Sheriff's Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments 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 Security Department will work closely with the California Highway Patrol, SCCSD, San Benito County Sheriff's Department, and City of Gilroy, City of Hollister, and City of Morgan Hill police departments. There is no written memorandum of understanding between the Security Department and the California Highway Patrol, SCCSD, San Benito County Sheriff's Department, and City of Gilroy, City of Hollister, and City of Morgan Hill police departments.

In response to a call, the Security Department will take the required action, dispatching an officer or asking the victim to file an incident report. All incident reports received by the Security Department are forwarded to the Vice President of Student Services for review and potential action. The Security Department may investigate a report when it is deemed appropriate.

Crimes should be reported to the Security Department 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 Security Department in a timely manner. To report a crime or an emergency call the Security Department at 408-710-7490. To report a non-

emergency security or public safety related matter, call the Security Department at 408-848-4703.

Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the District. 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 California Highway Patrol, SCCSD, San Benito County Sheriff's Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments. 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.

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.

Reviewed and Amended by the Board of Trustees: _____

Amended by the Board of Trustees: August 14, 2012

Approved by the Board of Trustees: December 11, 2001

Reviewed with no recommended changes.

BP 3530 Weapons on Campus

References:

Penal Code Sections 626.9 and 626.10

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

Reviewed and Approved by the Board of Trustees: _____
Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: December 11, 2001

Edits recommended.

AP 3530 Weapons on Campus

Reference:

Penal Code Section 626.9 and 626.10

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

Activities involving firearms or other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the Vice President, Administrative Services (or designee) before taking place.

Any person who believes that he or she may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the Vice President, Administrative Services (or designee), and obtain written permission from the Vice President of Administrative Services (or designee) to possess a firearm or other weapon on campus.

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his or her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his or her duties, is prohibited on any District campus or at any District center, or in any facility of the District.

Reviewed and Amended by the Board of Trustees: _____
Amended by the Board of Trustees: March 12, 2013
Amended by the Board of Trustees: March 9, 2010
Approved by the Board of Trustees: December 11, 2001

Edits recommended

CCLC NOTE: This procedure was updated to add new student discipline requirements and victim notification requirements pursuant to Ed Code Section 67386.

AP 3540 Sexual and Other Assaults on Campus

References:

***Education Code Sections 67385, 67385.7, and 67386;
20 United States Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)***

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

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

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

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

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

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

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

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

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

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Associate Vice President, Business & Security Services Director, ~~Security and Support Services~~, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Associate Vice President, Business & Security Services Director, ~~Security and Support Services~~ is authorized to release such information.

The Associate Vice President, Business & Security Services Director, ~~Security and Support Services~~ or designee shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
 - Security Department; dial “10” on Gilroy campus telephone or 408-710-7490; Hollister and Morgan Hill sites should dial 408-710-7490
 - Vice President of Student Services at 408-848-4732
 - Associate Vice President of Human Resources and Labor Relations Director, ~~Human Resources~~ at 408-848-4753
- Local law enforcement at 911
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, which include 911 services, and the persons on campus available to provide those services if requested. Services include:
 - transportation to a hospital, if necessary;
 - referral to a counseling center;
 - notice to the police, if desired;
 - a list of other available campus resources or appropriate off-campus resources including “What is Sexual Assault” brochure.
- The victim's option to:
 - notify proper law enforcement authorities, including on-campus and local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities;
 - The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
 - Information about how the district will protect the confidentiality of victims; and

- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - modification of class schedules; and,
 - tutoring, if necessary.

The ~~Director, Human Resources~~ Associate Vice President of Human Resources and Labor Relations, or designee, should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Associate Vice President of Human Resources and Labor Relations ~~Director of Human Resources~~ when the alleged victim is an employee and the Vice President of Student Services when the alleged victim is a student of any ongoing investigation. Information shall include the status of any student of employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

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

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

_____ The accused's belief in affirmative consent rose from the intoxication or recklessness of the accused.

_____ The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

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

- The complainant was asleep or unconscious.

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

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

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

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus security and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the district will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other student services for victims of sex offenses;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement~~Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;~~
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, ~~sexual assault offense~~, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

- The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
- Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged ~~sex offense~~ domestic violence, dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any chances to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The ~~Associate Vice President of Human Resources and Labor Relations~~ Director of Human Resources (employees) and the Vice President of Student Services (students) shall:

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

Reviewed and Amended by the Board of Trustees: _____
 Amended by the Board of Trustees: March 11, 2014
 Amended by the Board of Trustees: August 14, 2012
 Approved by the Board of Trustees: December 11, 2001

Edits recommended

BP 3550 Drug Free Environment and Drug Prevention Program

Reference:

***Drug Free Schools and Communities Act,
20 United States Code. Section 1145g;
~~and 34 Code of Federal Regulations~~, Section 86.1 et seq.;*
***Drug Free Workplace Act of 1988;*
~~41 United States Code~~. Section 702****

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

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 President of the College shall assure that the District distributes annually 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

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

Edits recommended

AP 3550 Drug Free Environment and Drug Prevention

Reference:

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

~~an alcohol or drug abuse assistance or rehabilitation program.~~

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

Prohibition of Drugs

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

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

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

Reviewed and Amended by the Board of Trustees: _____
Amended by the Board of Trustees: March 9, 2010
Approved by the Board of Trustees: December 11, 2001

Reviewed with no recommended changes.

BP 3560 Alcoholic Beverages

Reference:

***Business and Professions Code Section 25608;
34 CFR 668.46(b)***

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

Reviewed and Approved by the Board of Trustees: _____
Board of Trustees Approved: August 14, 2012

This is a new policy for Gavilan; legally required.

BP 3600 Auxiliary Organizations

References:

Education Code Sections 72670 et seq.:

Title 5 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 5.

The Superintendent/President 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 5.

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

Any auxiliary organization recognized by the Board shall conduct its business in accordance with the administrative procedures adopted by the Superintendent/President 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

Approved by the Board of Trustees: _____

AP 3600 Auxiliary Organizations

References:

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

Definitions

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

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

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

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

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

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

Recognition and Establishment of Auxiliary Organizations

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

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

The process of recognition shall be as follows:

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

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

Recognized Services, Programs and Functions

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

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

This section shall not be construed to prohibit an auxiliary organization from taking actions essential to satisfy the non-profit corporation or tax laws of the State of California or the Federal tax laws.

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

Authority and Responsibility of Auxiliary Organizations

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

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

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

- To eliminate the undue difficulty that would otherwise arise under the usual governmental budgetary, purchasing and other fiscal controls except as expressly prohibited by the Education Code or Title 5, or the District's procedures; or
- To provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the District in accordance with sound business practices.

Composition of Boards of Directors

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

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

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

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

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

Conduct of Boards of Directors

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

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

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

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

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

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

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

Bylaws

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

- The number of members of the board of directors, the categories from which members shall be selected and the method by which they shall be selected.
- The size of the board of directors.
- That at least one public business meeting will be held each quarter.
- The time table for the preparation and adoption of its program and annual budget and the submission of both for review to the CEO.
- That an attorney admitted to practice in this state and a licensed certified public accountant shall be selected to provide advice and counsel to the board of directors. Each shall have experience appropriate to the responsibility and shall have no financial interest in any contract or other transaction entered into by the board which he/she serves. Neither the attorney nor the certified public accountant needs to be a member of the board of directors.
- The procedures for approving expenditures.
- The procedures for accepting gifts, donations, bequests, trusts and specially funded grants and other income.

Master Agreement between District and Auxiliary Organizations

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

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

An auxiliary organization shall provide only those services, programs or functions authorized by a written agreement. No other service, program or function shall be permitted or performed

unless a written agreement between the District and the auxiliary organization is amended to provide otherwise.

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

- The services, programs, or functions the auxiliary organization is to manage, operate or administer.
- A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.
- The areas of authority and responsibility of the auxiliary organization and the District or College.
- The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.
- The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.
- Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith reimbursement value to such non-monetary benefits. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be as mutually determined.
- A mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs.).
- The responsibility for maintenance and payment of operating expenses.
- Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The board of directors shall file with the CEO a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.
- The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.
- The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
- The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Education Code Sections 72670-72682 and with Title 5 Sections 59250 et seq. as well as District Board Policy.
- The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.

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

Personnel

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

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

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

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

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

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

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

The board of directors of each auxiliary organization may withhold permanent status benefits from executive employees. For the purposes of this procedure, an executive employee is any

management employee with responsibility for the development and execution of the auxiliary organization's policies and includes, but is not limited to, general managers, managers, directors and the like, as determined by the board of directors of each auxiliary organization.

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

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

Accounting and Reporting for Auxiliary Organizations

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

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

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

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

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

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

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

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

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

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

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

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

Records and Annual Report of Auxiliary Organizations

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

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

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

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

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

Annual Audit

Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Chancellor. Copies of the annual audit report shall be submitted to the Board of Trustees and to the California Community Colleges Chancellor's Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.

Auxiliary organizations shall annually publish an audited statement of their financial condition, which shall be disseminated as widely as feasible and be available to any person on request. A

reasonable fee may be charged to cover the costs of providing a copy. An auxiliary organization shall comply with this requirement by:

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

Insurance

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

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

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

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

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

Auxiliary Organizations: Use of Facilities

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

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

List of Auxiliary Organizations in Good Standing

Each year, the CEO shall provide to the Board of Trustees a list of all auxiliary organizations in good standing. All auxiliary organizations which, after periodic review in the manner specified

hereinafter in these regulations, are found to be in compliance with applicable laws, policies and regulations shall be included in the list.

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

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

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

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

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

Limitation on Transfer of Funds to Auxiliary Organizations

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

Compliance Review by CEO

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

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

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

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

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

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

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

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

Reviewed and Amended by the Board of Trustees: _____

Approved by the Board of Trustees: August 14, 2012

Reviewed with no recommended changes.

BP 3710 Intellectual Property and Copyright

Reference:

Education Code Sections 72207, 81459

The President of the College is directed to develop appropriate administrative procedures to implement the provisions of the Education Code, which authorize the securing of copyrights in the name of the District to all copyrightable works developed by the District.

The procedures developed by the President of the College 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 President of the College 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

Reviewed with no recommended changes.

AP 3710 Intellectual Property and Copyright

Reference:

Education Code Sections 72202; 81459

Employee Rights

All works developed by an employee pursuant to district directive, when district supplies or equipment are used, shall be the sole property of the district, including all rights of copyright for such works.

If an employee prepares, at other than his regular work time, material on his own initiative for use at the college, he may retain the copyright, privilege himself, even though incidental district supplies or equipment may have been used. The district, however, shall have the right to reproduce the material for district use without violating the copyright and without payment of any fees.

This policy shall not limit the right of an employee to copyright, sell, or grant a license for his works, which are produced outside his working hours and at no cost to the district.

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

Edits recommended

BP 3720 Computer and Network Use

Reference:

***Education Code Section 70902;
17 ~~United States Code~~ Section 101 et seq.;***
Penal Code Section 502,
Cal. Const., Art. 1 Section 1;
Government Code Section 3543.1(b)

Employees, trustees, 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 President of the College 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

Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: December 11, 2001

AP 3720 Computer and Network Use

Reference:

17 U.S. Code Sections 101 et seq.;
Penal Code Section 502, Cal. Const., Art. 1 Section 1;
Education Code Section 70902;
Government Code Section 3543.1(b)
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

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

This procedure applies to all District students, faculty staff, and trustees and to others granted use of District information resources. This procedure refers to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all computer and computer communication facilities owned, leased, operated, or contracted by the District. This includes personal computers, workstations, mainframes, minicomputers, and associated peripherals, software and information resources, regardless of whether used for administration, research, teaching or other purposes. For additional information on data governance and information technology protocols, please see the Gavilan College Data Governance Handbook.

Conditions of Use

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

Legal Process

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

Copyrights and Licenses

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

- Copying - Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.
- Number of Simultaneous Users - The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

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

Illegal Distribution of Copyrighted Materials

- Gavilan College will publish bi-annually in the Schedule of Classes the college's policies related to illegal distribution of copyrighted materials. A summary of penalties for violation of both Federal copyright laws and local policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken will be included.
- Gavilan College students are prohibited from using the College's computers and information network to illegally download or share music, video, and all other copyrighted intellectual property. Gavilan College supports the Higher Education Opportunity Act and Digital Millennium Copyright Act, including efforts to eliminate the illegal distribution of copyrighted material.
- Illegal forms of downloading and file sharing as well as the unauthorized distribution of copyrighted materials are violations of the law and Board Policy as contained in the Standards of Student Conduct and may subject a student to academic and/or disciplinary sanctions from the college as well as criminal and civil penalties, including a lawsuit by the Recording Industry Association of America (RIAA).
- The college has developed policies and consequences to ensure that students and employees are properly utilizing the district's computer resources.

Integrity of Information Resources

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

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

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

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

Unauthorized Access

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

Abuse of Computing Privileges - Users of District information resources must not access computers, computer software, computer data or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. For example, abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computing privileges.

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

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

Usage

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

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

Commercial Usage - Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions.

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

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

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

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

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

Personal Use - District information resources should not be used for personal activities not related to District functions, except in a purely incidental manner.

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

Nondiscrimination

All users have the right to be free from any conduct connected with the use of Gavilan Joint Community College District network and computer resources which discriminates against any

person on the basis of race, religion, creed, color, national origin, ancestry, disability, sex (i.e., gender), marital status, sexual orientation. No user shall use the District network and computer resources to transmit any message, create any communication of any kind, or store information which violates any District procedure regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

Disclosure

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

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

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

Public Records - The California Public Records Act (Government Code Sections 6250 *et seq.*) includes computer transmissions in the definition of "public record" and nonexempt communications made on the District network or computers must be disclosed if requested by a member of the public. Communication between private email accounts and college email accounts are available for public review. Communication between private email accounts of trustees would need to be made available if a Public Records request is received for that information.

Litigation - Computer transmissions may be discoverable in litigation.

Dissemination and User Acknowledgment

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

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

Computer and Network Use Agreement (Sample Language) intended for all users including trustees.

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

Reviewed and Amended by the Board of Trustees: _____

Amended by the Board of Trustees: December 8, 2015
Amended by the Board of Trustees: November 10, 2009
Amended by the Board of Trustees: November 14, 2006,
Approved by the Board of Trustees: December 11, 2001

Reviewed with no recommended changes.

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 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 Office of the President
5055 Santa Teresa Boulevard
Gilroy, CA 95020

See Administrative Procedure #3810

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

Edits recommended.

AP 3810 Claims Against the District

Reference:

Education Code Section 72502;

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

- Claims must be submitted using the District's designated claim form. Claim forms can be obtained from the Office of the Vice President, Administrative Services.
- Claim forms are to be returned to the Office of President of the College. If a claim is not submitted on the designated form, it will be returned. Any claim returned may be resubmitted using the designated form;
- The period within which the above-described claims must be presented to the Board, as a condition to suit thereon, shall be as follows:
 - Claims for money or damages relating to a cause of action for death or for injury to person or to personal property shall be presented to the Board of Trustees *not later than six months* after the accrual of the cause of action.
 - Claims for money or damages relating to any other cause of action shall be presented to the Board of Trustees *not later than one year* after the accrual of the cause of action, unless a shorter time period is provided by law.

Reviewed and Amended by the Board of Trustees: _____
Amended by the Board of Trustees: December 10, 2013
Approved by the Board of Trustees: December 11, 2001

Edits recommended.

BP 3820 Gifts

Reference:

Education Code Section ~~72122~~ 72205

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, which discriminate against any person on the basis of nationality, religion, age, gender, gender identity, gender expression, race, or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, military or veteran status or physical or mental disability, or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

NOTE: The District should 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. Generally, a District should not accept a donation from a donor when the stated purpose of the donation is to facilitate discrimination on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, or physical or mental disability.

See Administrative Procedure #3820

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: December 11, 2001

Reviewed with no recommended changes.

AP 3820 Gifts

Reference:

Education Code Section 72122

The Board reserves the right to refuse or accept any gift.

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.

The President of the College shall be responsible for processing gift requests.

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

BP 3900 Speech: Time, Place, and Manner

References:

Education Code Section 76120 and 66301

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The college campuses of the District are non-public forums, except for those areas that are designated public forums available for the exercise of expression by student, employees, and members of the public. The President/Superintendent shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the designated public forums.

The administrative procedure promulgated by the President/Superintendent shall not prohibit the right of student to exercise free expression, including but not limited to the use of bulletin boards, the distribution of printed materials or ~~petitions in those parts of the college designated as areas generally available to students and the community~~, and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or which so incites others as to create a clear and present danger of the commission of the unlawful acts on District property or the violation of District policies or procedures, or the substantial disruption of the orderly operation of the District.

Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their full participation in the educational process (Education Code Section 66301(e)) so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

See Administrative Procedure 3900

AP 3900 Speech: Time, Place, and Manner

References:

Education Code Section 76120 and 66301

The students of the District shall be permitted to exercise their rights of free expression subject to the time, place and manner policies and procedures contained in Board Policy, 3900 and these procedures.

The College District is a non-public forum, except for the designated Free Speech Area which is reserved for expressive activities which do not violate District policy and which are lawful:

- Gazebo, located North of Cafeteria.

This area is chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus, but also so as not to disrupt educational and other activities of the District on behalf of students.

The Free Speech Area is a limited public forum. The District reserves the right to revoke that designation and apply a non-public forum designation at its discretion.

- The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of orderly operation of the college. Areas of the college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other areas not specified above.

The use of this area reserved and open for expressive activities is subject to the following:

- No person using the areas shall touch, strike or physically impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.
- Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs orderly conduct of the campus or classes taking place at that time.
- Persons using the areas reserved for expressive activities shall not disrupt the orderly operation of the college.

Non-student community groups wishing to engage in speech or expressive activities on campus in the area designated as a public forum must ~~provide notification~~ check in with ~~to~~ the District through the Gavilan College ~~Director of Security~~ Associate Vice President of Business and Security Services or designee ~~three business days in advance of~~ prior to engaging in the activities and must describe the nature of the planned activities. This does not involve an advance approval process No illegal activities will be permitted, no activities that violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas, as described below. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations

unrelated to content, the District will offer alternative available areas or if none are available offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities by using the facility use form.

All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only with the area. Those persons distributing printed material must, prior to their departure from the areas that day, make reasonable efforts to retrieve, remove or properly discard material that is discarded or dropped in or around the areas other than in an appropriate receptacle.

Posting

Bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be approved with the date of posting by the Vice President of Instruction, the Vice President of Student Services or designee. Materials displayed shall be removed after the passage of ten days.

ACTION ITEMS

NEW BUSINESS

**Gavilan Joint Community College District
Governing Board Agenda**

July 11, 2017

Consent Agenda Item No.
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. III.1 (a)

Administrative Services

SUBJECT: Claim Against the District

- Resolution: BE IT RESOLVED,
 Information Only
 Action Item

Proposal:

That the Board of Trustees reject the claim against the District by Rico Cesareo.

Background:

The claim by Rico Cesareo was received by the District on June 20, 2017 for injuries sustained on February 6, 2017 from an assault that occurred after exiting the Briggs Center in Hollister.

When the Board or designee rejects the claim within forty-five days, the claimant has only six months from the rejection to institute a lawsuit. When there is no official action, the claim is deemed rejected after 45 days, but the claimant has two years to institute a suit against the District.

Budgetary Implications:

There is no direct budget implication for this action.

Follow Up/Outcome:

Communicate with the Claimant the rejection of the claim.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Kathleen A. Rose
Dr. Kathleen A. Rose, Superintendent/President

**Gavilan Joint Community College District
Governing Board Agenda**

June 20, 2017

Consent Agenda Item No.
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. III.1 (b)

Career Technical Education

SUBJECT: Contract for Gavilan College for Strong Workforce Program
Regional (40%) Funding

- Resolution: BE IT RESOLVED,
 Information Only
 Action Item

Proposal:

That the Board of Trustees approves the contract for Gavilan College for the BACCC Strong Workforce Program Allocations of \$362,418 for regional programs in the following areas:

<i>Bay Area Drone Education and Training</i>	<i>\$65,000 (To Gavilan)</i>
<i>Cyber Security Pathways-Cyberpatriots</i>	<i>\$23,000 (Direct to Diablo Valley College)</i>
<i>Subregional Paramedic Program</i>	<i>\$25,000 (Invoiced to South Bay Regional Public Safety Training Consortium)</i>
<i>Regional HVAC Collaborative</i>	<i>\$249,418 (To Gavilan)</i>

Background:

See Attached

Budgetary Implications: \$362,418

Follow Up/Outcome: Regional collaboration with Bay Area Community Colleges in the areas of HVAC, UAS, Cyber-patriots and Paramedics

Recommended By:

Prepared By:


Sherrean Carr, Dean of Career Technical Education

Agenda Approval:


Dr. Kathleen A. Rose, Superintendent/President

Gavilan Exhibit B Amendment 1 - Gavilan Exhibit B Amendment 1

BACCC Strong Workforce Program Approved Allocations: Exhibit B Amendment #
 Master Agreement #
 Between Cabrillo CCD, Fiscal Agent for BACCC and on behalf of

Total Cost \$339,418
 GC-16/17-1: B1 Amendment Effective Date: 6/3/17
 GC-16/17-1
 Gavilan Joint Community College District
 Gavilan College

District Summary View		Total Budget All Sources	Direct Allocation	Regional \$1M RJV Grant	Funds Redirected TO Another College	Funds Redirected FROM Other Colleges					
Number of Certified Proposals		4									
Total Budget for District		339,418	362,418		-23,000						
TOTALS FOR BUDGETED INSTITUTIONS											
Budgeted Institution (College, District Project) Summary View		Budgets from Certified Proposals	Total Budget All Sources	Direct Allocation	Regional \$1M RJV Grant	Funds Redirected TO Another College	Funds Redirected FROM Other Colleges				
Gavilan College		339,418	339,418	362,418		-23,000					
Proposed Programs View		Status	Total Budget All Sources	Direct Allocation	Regional \$1M RJV Grant	Funds Redirected TO Another College	College to Receive Redirected Funds In Support of RJV	Lead Colleges	Project Lead	Email	Phone
Gavilan College	Bay Area Drone Education and Training - complete	Certified	65,000	65,000				Santa Rosa Junior College	Jerry Miller	jrmiller@santarosa.edu	707-524-1506
Gavilan College	Cyber Security Pathways - Cyberpatriots Program Promotion	Certified	0	23,000		-23,000	Diablo Valley College	Diablo Valley College	Richard Grotegut	rgrotegut@gmail.com	9253548785
Gavilan College	Subregional Paramedic Program - Santa Cruz - Monterey	Certified	25,000	25,000				Cabrillo College	Gerinde Brady	gebrady@cabrillo.edu	831-477-5672
Gavilan College	The Regional Heating, Ventilation, Air Conditioning, and Refrigeration Collaborative	Certified	249,418	249,418				Laney College			

Contract Amendment

\$23,000 originally redirected to Cabrillo College for Subregional Paramedic Program will be retained at Gavilan. This increases Gavilan's budget to \$339,418 in Amendment 1.

Signatures

BACCC Review

 Rock Pfotenhauer, BACCC Chair

 (date)

By signing below, the Parties agree to the amendments noted on this page. All other terms and conditions set forth in Master Agreement GC-16/17-1 between the Cabrillo Community College District and Gavilan Joint Community College District, remain in full force and effect and are binding upon the Parties without any further action by the Parties.

Cabrillo Community College District

Michael Robins
 Director, Purchasing, Contracts & Risk Management

 (signature)

 (date)

Gavilan Joint Community College District

Frederick E. Harris
 Vice President of Administrative Services

 (signature)

 (date)

**BAY AREA COMMUNITY COLLEGE CONSORTIUM
STRONG WORKFORCE PROGRAM REGIONAL FUND
MASTER AGREEMENT GC-16/17-1
BETWEEN
CABRILLO COMMUNITY COLLEGE DISTRICT
and
Gavilan Joint Community College District
on behalf of Gavilan College**

This Agreement is between Cabrillo Community College District, hereinafter referred to as "Fiscal Agent," and Gavilan Joint Community College District on behalf of Gavilan College, hereinafter referred to as "Subrecipient". The Fiscal Agent and Subrecipient are also referred to collectively as "Parties" and individually as "Party." This Agreement is based on the Strong Workforce Program-Regional Fund Agreement between the Fiscal Agent and the California Community Colleges Chancellor's Office, i.e., Prime Sponsor, and is effective to cover activities beginning July 1, 2016 and ending December 31, 2018 supported by Strong Workforce Program Regional Fund allocations disbursed in 2016-2017.

WHEREAS, the Fiscal Agent has received funds for the Strong Workforce Program Regional Consortia allocation from the California Community Colleges Chancellor's Office (hereinafter "Sponsor"), for the purpose of implementing the program entitled Strong Workforce Program established by Education Code Sections 88820-88826 (hereinafter "Program").

WHEREAS, the Fiscal Agent has been designated as the Regional Fiscal Agent for the Program for the Bay Area Community College Consortium (hereinafter "BACCC") and is responsible for dispensing, monitoring and auditing sub-grants developed with each community college district within the region once spending decisions have been authorized by the CTE Regional Consortium as stipulated in Strong Workforce legislation.

WHEREAS, Fiscal Agent, Cabrillo Community College District has the right to enter into agreements with outside entities for various services with the approval of its Board of Trustees; and

WHEREAS, the Consortium Member is a community college district, located within the boundaries of the regional consortium, and agrees to participate in the BACCC in accordance with the rules and procedures as approved by Sponsor and as stipulated in the Strong Workforce Program.

NOW, THEREFORE, the Parties agree as follows:

1. PERIOD OF PERFORMANCE

The period of performance for this Agreement shall be from July 1, 2016 through December

31, 2018 unless terminated earlier in accordance with this Subcontract or modified by mutual written agreement.

2. CERTIFIED PROJECT PROPOSALS

Subrecipient shall perform the Scopes of Work detailed using individually certified Project Proposals contained in attached Exhibits. Certified Project Proposals are those proposals submitted on the on-line Regional Strong Workforce Program platform and certified by the Subrecipient as meeting the intention and requirements of the Strong Workforce Program legislation. Such certified Project Proposals shall fully detail the scopes of work between Parties. As needed, the Project Proposals can be amended and modified based on written approval by the Parties. By signing this Master Agreement, the Fiscal Agent and Subrecipient agree that the Certified Project Proposals will be binding under this Master Agreement without further action by the Parties.

Subrecipient agrees to make the investments and to conduct the work as described in the Certified Project Proposal documents submitted by Subrecipient and attached hereto as Exhibits and incorporated by reference in this Agreement. Subrecipient agrees that funds will be used for the purpose of meeting the following goals established through the BACCC Regional Collaborative Planning Process:

- Goal A: Meet the needs of employers for well-qualified candidates for middle-skill positions that pay livable wages
- Goal B: Provide pathways that enable all Bay area residents to find employment and advance to livable wages
- Goal C: Ensure equity in participation, completion, and employment

3. COLLABORATION

Where proposals involve multiple colleges, all Parties agree to work collaboratively with all other colleges specifically referenced in the Project Proposals in order to complete the Scope of Work.

4. TOTAL COSTS

The total cost for performance of this Agreement is set forth in Exhibit B where funding amounts for each Project are listed.

5. BUDGET

Subrecipient agrees that expenditure of funds under the Agreement will be in accordance with the project budgets submitted by the Subrecipient and shown in Exhibit B, which by reference are incorporated into this Agreement.

Funds are to be utilized by the Subrecipient in accordance with the terms and conditions of both this Master Agreement and guidance on the allowable use of funds from the California

Community Colleges Chancellor's Office (Strong Workforce Program Guidance Memos).

If there is a reduction in funding by the Chancellor's Office, the Fiscal Agent reserves the right to require adjustment to the scope of work and funding of the Agreements accordingly, up to and including the end of all activities under this Agreement.

Subrecipient understands that all funds must be fully expended by December 31, 2018. Subrecipient agrees to work with Fiscal Agent to accomplish Project revisions, transfers, and reallocations in a timely way to ensure all funds are fully spent or released and reallocated to another college that can fully spend the funds.

6. BUDGET MANAGEMENT

The Subrecipient will manage its budgets so that there is a clear distinction between Local Strong Workforce funds and Regional Strong Workforce Funds (which are the subject of this Agreement), and a clear distinction between the fiscal year of the allocation (e.g., that the allocation for 2016-2017 is distinct from any allocation for 2017-2018). Since the term for the use of the funds is more than one year there will be concurrent use of separate allocations. In such cases, it is advised that the Subrecipient assign separate project numbers to each year's allocation, or in some other manner make a clear distinction between the separate allocations.

7. PAYMENT

The Fiscal Agent shall make payments to the Subrecipient up to the amount listed in Exhibit B, Strong Workforce Approved Programs Summary.

Fifty percent (50%) of the total cost will be issued as an advance payment to Subrecipient. Fully executed Agreements submitted along with required insurance certificates by May 15, 2017 will be paid by June 30, 2017. Agreements submitted after that date will be paid by the end of July 2017 or within forty-five days of Fiscal Agent's receipt of the fully executed Agreement and insurance certificates, whichever date is later. Thereafter, the Fiscal Agent shall reimburse Subrecipient for the cost of the work performed through an invoicing process, up to but not exceeding the amount listed in Exhibit B, Strong Workforce Approved Programs Summary.

8. INVOICES

Invoices shall be submitted on a form provided by Fiscal Agent and must be supported by financial detail reports that itemize costs by Project. Invoices shall be submitted no more frequently than quarterly and no less frequently than after the close of each fiscal year. Invoices may be submitted at other times to accommodate large capital expenditures. Fiscal Agent may request back-up documentation for expenditures, if required to adhere to compliance terms and standards. Payment of the final 10% of the contract is contingent upon completion of the Scope of Work as stated in the Exhibits, upon receipt of a final invoice requesting payment, and upon Fiscal Agent's approval of a final report. Invoices should be submitted electronically to Fiscal Agent contact named in Exhibit A. A final invoice for all performance under this Agreement is due no later than January 15, 2019.

9. REPORTING

Subrecipient agrees to provide qualitative and quantitative progress reports and a final report according to the schedule provided by and as required by the California Community College Chancellor's Office and the Bay Area Community College Consortium. Fiscal reports detailing fiscal activity during each fiscal year of the performance periods will also be submitted. Reports will be submitted to the Fiscal Agent in a timely manner according to the schedule below. Subrecipient will be provided with thirty days notice of any changes to the the reporting schedule

Reporting Schedule

Performance Period	Progress Report Due	Fiscal Year End Report Due
July 1, 2016 to June 30, 2017	July 31, 2017	July 31, 2017
July 1, 2017 to September 30, 2017	October 31, 2017	
October 1 to December 31, 2017	January 31, 2018	
January 1 to March 31, 2018	April 30, 2018	
April 1 to June 30, 2018	July 31, 2018	July 31, 2018
July 1 to September 30, 2018	October 31, 2018	
October 1 to December 31, 2018	Include in final report	January 31, 2019

A final report covering the entire performance period of the Agreement, including all supporting documentation, is due January 31, 2019.

10. MODIFICATIONS

When Subrecipient wishes to substantively change the outcomes of a project, timeline, or the investments being made, Subrecipient should consult with Fiscal Agent to determine if the Project Proposal requires formal modification and approval by the Fiscal Agent.

Modifications to Project Budgets

Modifications to the budgets, as detailed in the Certified Project Proposals, are allowed without prior approval, as long as all budget items comply with the Strong Workforce Program requirements and authorized uses of funds, and the outcomes of the Projects will not be materially affected.

Transfer of Funds Between Certified Projects

For projects that are fully contained within a college and have no other participating colleges, funds may be transferred from one project to another at the discretion of the Subrecipient as long as the intended outcomes of the projects are not substantively changed. Certified Project Proposal budgets should be updated in the online system and Exhibit B Strong Workforce Approved Program Summary and/or through the reporting system to reflect these reallocations. Further direction will be provided on how to report these changes to the Subrecipient's Primary Contact as identified in Exhibit A.

Transfers of Funds Impacting Regional Joint Ventures

Budget transfers away from Projects that include budget commitments from multiple colleges (Regional Joint Ventures) require consultation with other colleges participating in the Joint Venture to ensure the transfer does not jeopardize the outcomes of the other colleges. Transfers of Regional Joint Venture Funds require specific written approval from the Fiscal Agent. The following process should be followed in these circumstances:

- A. The Subrecipient Primary Contact notifies the Fiscal Agent and the Project Lead for the Regional Joint Venture Project of the desired changes.
- B. Subrecipient notifies the other colleges involved in the Regional Joint Venture Project and secures agreement to the change(s) from the other colleges and/or the Project Lead.
- C. The Fiscal Agent will conduct a technical review of the requested changes to ensure compliance with the grant terms and conditions. The Subrecipient updates and certifies the Project Proposal. Exhibit B is modified to reflect the changes and the modified Project is attached to the Agreement.

New Projects

New Projects, made possible through the reallocation of funds, should be entered into the online system and certified by the Subrecipient as meeting the intention and requirements of the Strong Workforce Program legislation. Subrecipient should notify Fiscal Agent the Project is available for review. After review and approval, the Certified Project Proposal will be added to Exhibit B Strong Workforce Approved Programs Summary, and the Certified Project Proposal will be included as an Exhibit.

Whenever a Project Proposal is substantively changed or a new Proposal is submitted, the Subrecipient and Fiscal Agent will sign or approve via electronic means the amended Exhibit B, which will replace the prior Exhibit B and become part of the active Master Agreement once executed.

11. TIME EXTENSIONS

Subrecipient must spend all of the funds allocated through this Master Agreement within the timeframe of the Agreement.

12. CONTACTS

All invoices, supporting documentation, progress reports, and requests for modifications from the Subrecipient will be submitted on-line or via email to the Fiscal Agent Strong Workforce Program Project Manager.

Contact information for these Fiscal Agent and Subrecipient roles is to be provided in Exhibit A, Contacts.

Both Parties agree to notify the other, in writing, within 30 days of changes to project contacts.

13. SHARED USE OF EQUIPMENT or RESOURCES

In the event that Subrecipient uses funds to secure equipment or other resources to be used in common or for shared use with other colleges, a separate agreement may be needed between or among them to outline the terms and conditions of that use. The Subrecipient should notify the Fiscal Agent of the intent for shared use of equipment and resources, and the Fiscal Agent will clarify the requirements with the Chancellor's Office, and provide guidance to the Subrecipient regarding development of a shared use agreement.

14. INTELLECTUAL PROPERTY

Any work product resulting from this Agreement falls under the California Community Colleges, Chancellor's Office Creative Commons Attribution license which gives permission to the public to reproduce, distribute, perform, display or adapt the licensed materials for any purpose, so long as the user gives attribution to the author.

15. SUBCONTRACTS

The Subrecipient agrees to be as fully responsible to the Fiscal Agent for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by them, as it is for the acts and omissions of persons directly employed by the Subrecipient. The Subrecipient's obligation to pay its subcontractors is independent from the obligation of the Fiscal Agent to make payments to the Subrecipient. As a result, the Fiscal Agent shall have no obligation to pay or enforce the payment of any monies to any subcontractor.

16. RECORDS AND AUDITS

- A. The Subrecipient must maintain records regarding the use of Program funds and progress made toward objectives and/or performance under the applicable Agreement.
- B. The Subrecipient must maintain a list of the type, cost, and location of the equipment purchased with Strong Workforce Program funds.
- C. The Subrecipient agrees that the Fiscal Agent, the Chancellor's Office, the Bureau of State Audits, and any other appropriate state or federal oversight agency, or their designated representative(s), shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The Subrecipient agrees to maintain such records for possible audit for a minimum of three (3) years after the final payment or until any audit findings have been resolved, unless a longer period of records retention is stipulated. The Subrecipient agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Subrecipient agrees to include a similar right of the Fiscal Agent, the Chancellor's Office, the Bureau of State Audits, any other appropriate state or federal oversight agency, or their designated representative(s) to audit records and interview staff in any subcontract related to performance of this Agreement or any Participation

Agreement.

- a. If any audit or other actions involving the records has been started before the expiration of this period, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the three (3) year period, whichever is later.
- b. All records must be retained throughout the project. The three (3) year period of retention starts on the last day of the performance period stipulated in 2. Period Of Performance.

17. NOTICES

A Party to this Agreement may give notice to the other Party by sending an email and receiving acknowledgement of its receipt or through certified mail to the addresses specified below. Such notice shall be effective when received. Each Party has the responsibility of keeping notice contact information accurate and current. Contact information is specified in Exhibit A, Contacts.

18. TERMINATION

Either Party may terminate this Agreement, with or without cause upon thirty (30) days written notice served upon the other Party. Notice shall be deemed served on the date of mailing. Upon termination, or notice thereof, the Parties agree to cooperate with one another in the orderly transfer of contract responsibilities, records, and pertinent documents.

The obligations of Fiscal Agent under this Agreement are contingent upon the availability of State funds, as applicable, for the reimbursement of expenditures to the Subrecipient. In the event that such funding is terminated or reduced, Fiscal Agent shall provide the Subrecipient with written notification of such determination and Fiscal Agent shall reimburse the Subrecipient for costs incurred up to the termination date. If Subrecipient has not fully spent funds advanced by the Fiscal Agent, Subrecipient agrees to return to Fiscal Agent funds unspent as of the termination date. Notice shall be deemed served on the date of receipt by the Subrecipient; with receipt determined by certified mail delivery confirmation. Upon termination, or notice thereof, the Parties agree to cooperate with one another in the orderly transfer of contract responsibilities, records, and pertinent documents.

19. DISPUTES

In the event of a dispute between the Parties, the aggrieved Party shall notify the other Party and provide a detailed description of the alleged problem. The Parties agree to use reasonable efforts to resolve such dispute by good faith negotiations and mutual agreement. In the event such informal resolution is not successful within a reasonable period of time, the Parties hereby agree that such dispute will be resolved in the manner specified below.

Except as otherwise provided in this Agreement, any dispute concerning any question arising under this Agreement shall be decided by the Fiscal Agent and/or the Prime Sponsor. In such a

case, the decision shall be reduced to writing and a copy thereof shall be mailed or otherwise furnished to the Subrecipient. The decision shall be final and conclusive unless within thirty (30) calendar days from the mailing or delivery of such copy, the Fiscal Agent receives from Subrecipient a written request to appeal said decision. Pending final decision of the appeal, Subrecipient shall act in accordance with the written decision of the Fiscal Agent or the Prime Sponsor, whichever is the final arbiter of the dispute. The handling of non-criminal complaints, including discrimination complaints, and complaints and reports of criminal fraud, waste and abuse shall be as prescribed by the State of California, and/or the Prime Sponsor, whichever is applicable, in accordance with applicable provisions of the Code of Federal Regulations.

20. INDEMNIFICATION

All Parties to this Agreement shall agree to defend, indemnify, and hold harmless the other Parties, its officers, agents, employees, and volunteers, from and against all loss, cost, and expense arising out of any liability or claim of liability, sustained or claimed to have been sustained, arising out of activities, or the performance or nonperformance of obligations under this Agreement, of the indemnifying Parties, or those of any of its officers, agents, employees, or volunteers. The provisions of this Article do not apply to any damage or losses caused solely by the negligence or willful misconduct of the Parties or any of its agents or employees.

21. INSURANCE

Acceptance of this agreement constitutes that Subrecipient is not covered under Fiscal Agent's general liability insurance and that Subrecipient agrees, during the term of this Agreement, to maintain, at the Subrecipient's sole expense, all necessary insurance for its officers, agents, and employees, including but not limited to worker's compensation (if required by law), liability, disability, and unemployment insurance. Certificates of insurance shall be provided to Fiscal Agent. Specifically, during the term of this agreement, Subrecipient shall maintain in full force and effect the kinds of insurance, containing the limits of liability set forth below:

- A. Workers' Compensation – Subrecipient shall comply with the workers' compensation law of the state wherein the services are to be rendered. Such policy shall provide coverage for all persons engaged in the activities described in this agreement under the employ, supervision or control of Subrecipient.
- B. General Liability - The policy shall contain a combined single limit of liability of not less than \$2,000,000 per occurrence and not less than \$5,000,000 in the aggregate.
- C. Automobile Liability - If automotive vehicles are operated by Subrecipient in Subrecipients performance of Subrecipient's obligations under this agreement, Subrecipient shall maintain an automobile liability policy which shall include coverage on all owned, non-owned and hired vehicles and shall have a minimum limit of liability of not less than \$1,000,000 per occurrence.

Coverage shall be placed with an insurer having a Best's Key Rating of "A-" or better. Subrecipient shall furnish Fiscal Agent with Certificates of Insurance evidencing such coverage. Such Certificate shall name Fiscal Agent as additional insureds, and provide that it can be

cancelled only with thirty (30) days prior written notice to Fiscal Agent. If any of the foregoing coverages expire, change, or are canceled, Subrecipient shall notify Fiscal Agent within thirty (30) days prior to the effective date of such expiration, change or cancellation.

The following sentence shall be included in the additional insured endorsements:

“Cabrillo Community College District, its Governing Board, as individuals and as an entity, its officers, directors, employees, and volunteers, are hereby named as additional insured, with respect to all work performed by or on behalf of the named insured under its contract with the Certificate Holder.”

22. INDEPENDENT CONTRACTOR

The Subrecipient, in the performance of this Agreement, shall be and act as independent contractors and not as employees of Fiscal Agent. The Subrecipient understands and agrees that it and all of its employees shall not be considered officers, employees or agents of the Fiscal Agent, and are not entitled to benefits of any kind or nature normally provided to employees of the Fiscal Agent and/or to which Fiscal Agent’s employees are normally entitled, including, but not limited to, State Unemployment Compensation or Workers’ Compensation. The Subrecipient assumes full responsibility for its acts and/or liabilities including those of its employees or agents as they relate to the services provided under this Agreement. The Subrecipients shall assume full responsibility for withholding and payment of all: federal, state, local and applicable income taxes; workers’ compensation; contributions, including but not limited to, unemployment insurance and social security with respect to the Subrecipient’s employees. The Fiscal Agent will not withhold taxes, unemployment insurance or social security for the Subrecipient’s employees or independent subcontractors. The Subrecipient agrees to indemnify and hold the Fiscal Agent harmless from and against any and all liability arising from any failure of the Subrecipient to withhold or pay any applicable tax, unemployment insurance or social security when due.

23. ASSURANCES

By signing this Agreement the Parties certify they will comply with the terms and conditions outlined in the Strong Workforce Program established by Education Code Sections 88820-88826, and with the guidance documents provided by the California Community College Chancellor’s Office as posted on the Guidance section of the Strong Workforce Program website: <http://doingwhatmatters.cccco.edu/StrongWorkforce.aspx>

By signing this Agreement the Subrecipient certifies that it complies with state and federal requirements for Standards of Conduct, Workers’ Compensation Insurance, Participation in Grant-Funded Activities, Non-Discrimination, Accessibility for Persons with Disabilities, Drug-Free Workplace Certification, Intellectual Property, and Debarment and Suspension, and will adhere to these legal standards and requirements in the performance of work related to this Agreement.

24. UNENFORCEABLE PROVISION

In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the Parties agree that all other provisions of this Agreement remain in full force and effect and shall not be affected thereby.

25. WAIVER

Any waiver by Fiscal Agent of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term. Failure on the part of Fiscal Agent to require full, exact, and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms of this Agreement, or stopping Fiscal Agent from enforcing the terms of this Agreement.

26. SEVERABILITY

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired or invalidated in any way.

27. AGREEMENT IS COMPLETE

No amendment, alteration or variation of the terms of this Agreement shall be valid unless made in writing, signed by the Parties, and approved as required. No oral understanding or agreement not incorporated in this Agreement is binding on any of the Parties.

30. SIGNATURES

By signing below, the Parties agree to the terms and conditions set forth in this Agreement, which terms and conditions, upon such signatures, shall be incorporated into and become a part of the Master Agreement between the Cabrillo Community College District and Gavilan CCD on behalf of Gavilan College, and are binding upon the Parties without any further action by the Parties.

IN WITNESS WHEREOF, all Parties agree.

FISCAL AGENT
Cabrillo Community College District
Michael Robins
Director, Purchasing, Contracts & Risk
Management

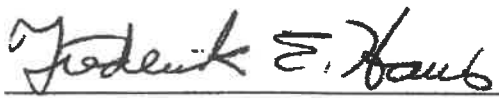


(signature)

6/2/2017

(date)

SUBRECIPIENT
Gavilan Joint Community College District
Frederick E. Harris
Vice President of Administrative Services



(signature)

5/30/17

(date)

**Gavilan Joint Community College District
Governing Board Agenda**

June 20, 2017

Consent Agenda Item No.
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. III.1 (c)

Career Technical Education

SUBJECT: Contract for Gavilan College for Strong Workforce Program
Regional (40%) Funding

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees approves the MOU between Gavilan College, Cabrillo College, Hartnell College, Monterey Peninsula College and South Bay Regional Public Safety Training Consortium for the BACCC Strong Workforce *Sub-Regional Paramedic Program*.


Background:
See Attached

Budgetary Implications: \$25,000

Follow Up/Outcome: The MOU is to reflect the mutual intent of the parties to establish an agreement relating to the Consortium acting as fiscal Agent for the four Colleges contributing SWP funds to determine the feasibility of a Southern BACCC Sub-Regional Paramedic Program.

Recommended By:

Prepared By: 
Sherrean Carr, Dean of Career Technical Education

Agenda Approval: 
Dr. Kathleen A. Rose, Superintendent/President



The **ACADEMY**

South Bay Regional Public Safety Training Consortium
560 Bailey Avenue, San Jose, CA 95141 ♦ Phone (408) 229-4299 ♦

MEMORANDUM OF UNDERSTANDING

Agreement Relating to Fiscal Agent for the Southern BACCC Sub-Regional Paramedic Program Feasibility Project

This Memorandum of Understanding (MOU) entered into this 21st day of April, 2017 is by and between the Cabrillo College, Gavilan College, Hartnell College, Monterey Peninsula College and the South Bay Regional Public Safety Training Consortium ("SBRPSTC" or "Consortium"), and shall be effective on the date it is fully executed.

A. Purpose of the MOU:

The primary purpose of this MOU is to reflect the mutual intent of the parties to establish an agreement relating to the Consortium acting as Fiscal Agent for the four (4) Colleges contributing Strong Workforce Funds to determine the feasibility of a Southern BACCC Sub-Regional Paramedic Program.

B. Statement of Mutual Benefit and Consideration to Support this MOU:

The parties believe that their collaborative and cooperative efforts will create a reduction of redundancies, containment and recovery of respective costs, and increased efficiencies in business operations.

C. Scope of Agreement:

1. Where as Cabrillo, Gavilan, Hartnell and Monterey Peninsula Colleges have agreed to contribute \$25,000 each from their individual Strong Workforce funding to support a feasibility study specific to a paramedic program to be developed and presented in the Southern BACCC Sub-Region to be completed no later than February 28, 2018.
2. The Colleges agree to designate Gerlinde Brady, Dean of CTE and Workforce Development with Cabrillo College to be the Lead for the Study for approval of expenses associated with the Study.
3. The Colleges agree to compensate the Consortium at a rate of 8% of the total expenses associated with the Study for acting as Fiscal Agent and providing support for the Study as stipulated in Item 5 below.
4. The Consortium will generate monthly documentation of expenses and a summary document of resources upon request.
5. The Consortium agrees to act as fiscal agent for the funds and at the direction of the colleges provide the following support:



A Consortium of Community Colleges Dedicated to Innovative Public Safety Training
<http://www.theacademy.ca.gov>

- a. Retain and compensate the designated employee at a rate of \$40 per hour, not to exceed an average of 20 hours per week, to conduct the feasibility study.
 - b. Reimburse the employee for travel or other expenses associated with the study, as approved.
 - c. Provide clerical or other support as appropriate to the said employee.
 - d. Provide supplemental oversight of the employee including review of monthly progress reports and the Final Study Report and Presentation.
 - e. Act as a liaison to the colleges and provide guidance and support as necessary.
6. Upon full execution of this agreement, the Consortium will issue invoices to each of the participating colleges for their contribution to the project.
7. The Colleges agree that any funds remaining at the conclusion of the project will be equally redistributed to the participating colleges.

D. Term:

The term of this MOU shall take effect on the signing date(s) and will remain in force until and unless mutually agreed to by the parties to amend or terminate it.

Signatures and date(s):


 Signature _____ date _____

Steven Cushing, President/CEO
 SBRPSTC
 560 Bailey Avenue
 San Jose, CA 95141

 5-24-2017
 Signature _____ date _____

Kathleen Welch, Vice President
 Cabrillo College
 6500 Soquel Drive
 Aptos, CA 95003

 7/3/17
 Signature _____ date _____

Kathleen Rose, President/Superintendent
 Gavilan College
 5055 Santa Teresa Blvd
 Gilroy, CA 95020

Signature _____ date _____

Dr. Willard Lewallen, Superintendent/President
 Hartnell College
 411 Central Avenue
 Salinas, CA 93901


 Signature _____ date _____

Steve Crow, Vice President
 Monterey Peninsula College
 980 Fremont Street
 Monterey, CA 93940

ku.

Gavilan Joint Community College District Governing Board Agenda

July 11, 2017

Consent Agenda Item No.
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. III.1 (d)

President's Office

SUBJECT: Implementation of the Classification and Compensation Study for Management Employees

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees approve the implementation of the Classification and Compensation Study for Management Employees.

Background:

The 2017 Classification and Compensation Study report was released on March 31, 2017. The report included an assessment of job duties, salary data, and recommendations based on the analysis of position classifications and compensation. Managers had the opportunity to provide feedback on the results and discuss their positions. Board approval is required to implement the results of the study.

Budgetary Implications:

The compensation adjustments have been budgeted for FY 17-18.

Follow Up/Outcome:

Upon approval, the changes will be implemented.

Recommended By: Dr. Eric Ramones, Associate Vice President, Human Resources & Labor Relations

Prepared By:



Dr. Eric Ramones, Associate Vice President, Human Resources & Labor Relations

Agenda Approval:



Dr. Kathleen A. Rose, Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
Management Salary Schedule
FY 2017-18

Annual values based on 12 months per year @ 1.0 FTE

Step	Track 1	Track 2	Track 3	Track 4	Track 5	Track 6	Track 7	Track 8	Track 9	Track 10
1	64,249.1500	72,266.1900	81,301.8100	92,456.0900	98,194.6360	108,255.1100	119,080.3100	133,199.4500	145,954.4760	196,625.8920
2	67,461.6075	75,879.4995	85,366.9005	97,078.8945	103,104.3678	113,667.8655	125,034.3255	139,859.4225	153,252.1998	206,457.1866
3	70,834.6879	79,673.4745	89,635.2455	101,932.8392	108,259.5862	119,351.2588	131,286.0418	146,852.3936	160,914.8098	216,780.0459
4	74,376.4223	83,657.1482	94,117.0078	107,029.4812	113,672.5655	125,318.8217	137,850.3439	154,195.0133	168,960.5503	227,619.0482
5	78,095.2434	87,840.0056	98,822.8582	112,380.9552	119,356.1938	131,584.7628	144,742.8611	161,904.7640	177,408.5778	239,000.0006
6	82,000.0056	92,232.0059	103,764.0011	118,000.0030	125,324.0035	138,164.0009	151,980.0041	170,000.0022	186,279.0067	250,950.0007

Track 1 Executive Assistant, Vice President
 Human Resources Technician

Track 2 Executive Assistant, Superintendent/President
 Human Resources Analyst

Track 3 Director, Instructional Site
 Supervisor, Budget and Accounting
 Supervisor, CalWORKs
 Supervisor, Payroll

Track 4 Coordinator, MESA/Trio
 Director, Admissions and Records
 Director, Community Education and Career Pathways
 Director, Financial Aid
 Director, Public Information

Track 5 Associate Dean, Disability Resource Center
 Associate Dean, EOP&S/CalWORKs
 Associate Dean, Community Development and Grants Management
 Director, Facilities

Track 6 Dean, Kinesiology and Athletics
 Dean, Liberal Arts and Sciences
 Dean, Career Technical Education
 Director, Institutional Research

Track 7 Director, Information Technology

Track 8 Associate Vice President, Business Services and Security
 Associate Vice President, Human Resources and Labor Relations

Track 9 Vice President, Academic Affairs
 Vice President, Administrative Services
 Vice President, Student Services

Track 10 Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

CLASSIFICATION &
COMPENSATION
REPORT

2017

HUMAN RESOURCES
DEPARTMENT
MARCH 2017

CLASSIFICATION STUDY

BACKGROUND

On October 14, 2014, the Gavilan Joint Community College District (District) entered into an agreement with Human Resource Compensation and Management (HRC&M) to conduct a comprehensive classification and compensation study of classified and management positions. The scope of work included a review of each position and interviews with employees in Phase One and a comprehensive total compensation study in Phase Two.

HRC&M completed the position review and interviews in March 2015 and issued a draft report on the classification study on January 2016. Due to unforeseen circumstances, the classification and compensation study was not completed as stipulated in the contract. As a result, the District terminated the contract with HRC&M on June 28, 2016. In August 2016, the Human Resources Department was assigned to complete the classification and compensation study.

Classified and management employees submitted proposed changes and/or comments after a review with their supervisors. The Human Resources Department reviewed and analyzed each position to determine whether or not there were changes to the essential functions of each job. There were approximately 125 classified employee positions in 44 job classifications and approximately 29 management/confidential positions in 25 job classifications analyzed in total.

In December 2016, the preliminary results of the classification and compensation study were shared with the Superintendent/President. Then, the District began meeting with CSEA leadership to discuss the preliminary results. CSEA leadership provided their feedback and made recommendations which were considered as part of the process.

In January 2017, the President's Cabinet held a retreat to discuss the classification and compensation results in detail and assess the overall organization structure of the District. The preliminary data was informally shared with the Board of Trustees in January and February 2017.

Purpose: To Align the Job Position Functions and the Compensation Levels with the Organizational Structure to Maximize Efficiency and Effectiveness of the District

OBJECTIVES

1. Accurately describe all positions according to their duties, responsibilities, essential functions, and job requirements to ensure equity of the system
2. Prepare new job descriptions to accurately reflect the duties, responsibilities, essential functions, and job requirements, if necessary
3. Conduct an objective analysis based on the position and structure of the organization
4. Consider employee and management feedback as part of the job analysis
5. Ensure compliance with applicable federal, state, and local regulations
6. Provide a fair compensation analysis based on credible salary data sources
7. Collaborate and partner with the CSEA Executive Board throughout the study

METHODOLOGY

Each position was reviewed and analyzed by the following guiding questions:

1. Was there a change to the level of knowledge, skills, and abilities of the position?
2. Was there a change to the essential functions of the position?
3. Was there an organization structure change that affected the position?
4. Was there an operational change or supervisory directive that affected the position? If yes, what is the evidence to support the change? What caused the change?

Causes of change include but are not limited to the following:

- New mandates, laws, regulations, policies, directives
- Change in existing laws, regulations, policies, directives
- Reduction or elimination of positions or job classifications
- Reduction or elimination of programs
- Changes in business operations or processes

One or more of the above changes does not automatically result in a position reclassification. The percentage of time to perform the duties, the requirements of the job, and the essential functions are considered.

Factors that are **not** considered in the classification study:

- Individual employees qualifications or how well a worker performs the job
- The number of hours a worker is assigned to work in an assignment.
- How long the incumbent has held the position or worked for the District.
- The quantity or volume of work performed by an individual or group (level of work, not volume, is an important consideration.
- How much the employee is compensated.

Based on the analysis of each, the following options were considered:

Keep the current job description: The current job description language appropriately reflects the duties performed.
Reclassify the position: A position may be reallocated to a different classification which more appropriately reflects the duties performed (i.e. a position currently classified as Departmental Assistant could be reclassified to a Senior Departmental Assistant based on the duties performed)
Change the job title: It may be determined that the position is appropriately classified but the title is changed to better reflect the duties or purpose of the position or to reflect the current industry standard (i.e. Webmaster to Web Developer although the duties are essentially the same)
Revise the job description: It may be determined that the position is appropriately classified but the class specification needs to be updated to better reflect the duties being performed. This most often occurs with classifications that have had a long life within the organization and slight changes have been made over time (i.e. typewriting skills can be changed to computer skills)

Example of the Review Process:

POSITION	CHANGE	REASON	REFERENCE
Accountant	No Change	N/A	N/A
Departmental Assistant	Program Services Specialist	Reorganization of MESA/TRIO Programs	Board Agenda December 10, 2013
Senior Program Specialist	Curriculum Specialist	Specialized Position	Local District Comparison: Hartnell CCD and San Jose-Evergreen CCD

The Human Resources Department analyzed each position and presented the preliminary results to the Superintendent/President. The following classified positions were analyzed:

- Academic Scheduling Coordinator
- Accountant
- Accounting Assistant
- Accounting Technician
- Adaptive Services Specialist
- Admissions/Student Records Technician
- Athletic Trainer
- Campus Parking Monitor
- Campus Security Officer
- Campus Services Receptionist
- Career/Transfer Specialist

CDC Assistant Teacher
CDC Teacher
Chemistry/Biological Science Lab Coordinator
Computer Center Specialist
Computer Hardware/Software Technician
Computer Programmer Analyst
Custodian
Departmental Assistant
Division Assistant
Facilities Maintenance Worker I
Facilities Maintenance Worker II
Facilities Use Scheduler
Financial Aid Technician I
Financial Aid Technician II
Food Service Worker
Groundskeeper
Groundskeeper Specialist
Instructional Program Specialist
Job Developer
Lead Custodian
Library Systems Technician
Library Technician
Mailroom Clerk
Maintenance Leadperson
Mobility Aide
Multimedia Technician
Office Assistant
Payroll Officer
Program Services Specialist
Purchasing Agent
Reprographics Operator
Senior Accountant
Senior CDC Teacher
Senior Computer Hardware/Software Tech
Senior Departmental Assistant
Senior Instructional Program Specialist
Senior Library Technician
Senior Program Services Specialist
Student Assessment Specialist
Student Financial Services Technician
Theater Technical Coordinator
Vocational Instructional Specialist
Warehouse Inventory Control Tech

Webmaster

The following management and confidential positions were analyzed:

Assistant Director, Information Services
Associate Dean, Community Development and Grants Management
Associate Dean, Disability Resource Center
Associate Dean, EOP&S/CalWORKs
Coordinator, CalWORKs
Coordinator, MESA/Trio
Dean, Kinesiology and Athletics
Dean, Liberal Arts and Sciences
Dean, Career Technical Services
Director, Admissions and Records
Director, Business Services
Director, Child Development Center
Director, Community and Contract Education
Director, Facilities Services
Director, Financial Aid
Director, Information Systems
Director, Institutional Research
Director, Instructional Site
Director, Public Information
Executive Assistant to the Superintendent/President
Executive Assistant to the Vice President
Human Resources Technician
Vice President, Administrative Services
Vice President, Instructional Services
Vice President, Student Services

ANALYSIS & FINDINGS

Classified Positions

Most positions either remained the same which means the current job duties appropriately reflect the job duties performed or required minor changes in language resulting in revised job descriptions. A few positions required changes in job titles and position reclassification (Appendix A).

The current information technology position titles do not match the industry standard based on a review of job titles within California community colleges and feedback from subject matter experts. In addition, the compensation levels of information technology positions are below market value evidenced by the review of salary data and the turnover of information technology staff in recent years. The withdrawal of job acceptances for more competitive salary offers has made it difficult to recruit and hire information technology positions. The information technology industry changes have a substantial impact on the college. In the past, technology was a tool to provide services and now it is fully integrated in the service delivery model. Technology is an integral part of educational delivery evidenced by the reliance on technology for the college to operate and the budget associated with these technological tools.

The implementation of an in-house payroll system and the addition of the security and support services functions to the Business Office have created a need for the reorganization of job duties. Combining various job duties of existing job classifications and adding a layer of supervision to ensure critical business operations are maintained is necessary for customer service to the district. In addition, creating upward mobility within the department will address the retention of institutional knowledge.

Changes in laws and regulations for students have created more specialized knowledge and skills for the Admissions & Records and Financial Aid functions. Deferred Action for Childhood Arrivals (DACA) and Development, Relief, and Education for Alien Minors (DREAM) are examples of laws impacting the essential duties and business processes for these departments. In addition, creating upward mobility within the departments will address the retention of institutional knowledge.

The Disability Resource Center developed a Veterans Resource Center and hired a counselor to support this student population. Although it is in the development stage, the need to restructure and reassign work is necessary to allow for growth for this service. An appropriate level staff support is required to address these changes.

The combination of the Trio and MESA programs occurred approximately 3 years ago which resulted in a reclassification of an administrator from a classified manager to an educational administrator. The classified support staff duties and responsibilities were expanded based on the merger of the two programs; however, the position level remained the same. The classified position should have been upgraded to be aligned with the administrator position.

The newly created Academic Scheduling Coordinator Position is critical to the overall scheduling of classes and the accuracy of the compensation and load of adjunct faculty employees. This position should have the authority to ensure there is alignment with the courses and the classroom space and facilities required for instruction.

The unique functions of public information/marketing and curriculum have been placed in general job classifications Program Services Specialist and Senior Programs Services Specialist respectively which are used across the district for a program support capacity.

These positions have specialized functions and do not fit with the Program Services Specialist series.

The Child Development Center closure resulted in a reassignment of existing staff to other departments on campus. There no longer is a need to keep the Child Development Center teacher classification series and the food services provider.

Several years ago the Campus Services Receptionist and Campus Parking Monitor Positions were eliminated. There is no longer a need to maintain these job classifications.

There is one Instructional Program Specialist position in the Allied Health/Nursing program that has experienced an expansion of duties due to the growth of the program. In addition, the position requires knowledge of compliance requirements from the Board of Registered Nursing, the statewide governing body for program certification. The position and essential function has changed due to these factors.

Management Positions

Most of the management positions remained the same which means there were no changes to the essential functions of the job. In most cases, the current job duties appropriately reflect the job duties that are being performed. However, there were several job descriptions that required updating in language due to title changes or included outdated information. Minor revisions to the job descriptions are required for accuracy of information. A few position titles were changed prior to the completion of this study and are officially reflected here: Vice President, Instructional Services to Vice President, Academic Affairs and Director, Management Information Systems to Director, Information Technology (Appendix B)

A few job descriptions required revisions because the existing job descriptions were outdated. The job descriptions for Director, Instructional Site and Dean, Kinesiology & Athletics contained the former title and essential functions of the previous positions Site Instructional Site Coordinator and Athletic Director respectively. The Vice President, Administrative Services contains outdated information and requires minor revisions. The Vice President, Administrative Services job description includes oversight of human resources including harassment investigations. A few years ago the human resources function was reorganized to include a direct reporting structure to the Superintendent - President.

The Child Development Center closure resulted in a reassignment of existing staff to other departments on campus. As a result, the Child Development Director position and the entire classified staff positions were eliminated. Most employees were reassigned to different positions. The Dean, Career Technical Education (CTE) position job description should be updated to reflect the elimination of the Child Development Center.

One job description required revisions due to a reorganization of management operations in Community Education. The Director of Community Education position will have expanded duties as part of the Strong Workforce Program, an initiative aimed at increasing the number

of skilled workers produced by community colleges. A major function of this position is to create career pathways that can lead to jobs or to technical degree programs at four-year universities.

RECOMMENDATIONS

Recommendation #1: Change Titles and/or Create New Positions in the Following Areas:

ADMINISTRATIVE SERVICES – INFORMATION TECHNOLOGY

Senior Programmer Analyst: Create a new position to an industry standard title used in the information technology field that serves as a technical and functional lead.

Programmer Analyst: Remove the word "Computer" from the title as Programmer Analyst is an industry standard title used in the information technology field.

Senior Systems Administrator: Change the title from Senior Computer Hardware/Software Technician to an industry standard title used in the information technology field.

Systems Support Specialist: Change the title from Computer Hardware/Software Technician to an industry standard title used in the information technology field.

Web Developer: Change the title from Webmaster to an industry standard title used in the information technology field.

ADMINISTRATIVE SERVICES – BUSINESS OFFICE

Supervisor, Payroll: Reclassify the position from Payroll Officer to manage the in-house payroll process, functionality of the HR/Payroll system, and business operations.

Supervisor, Budget and Accounting: Reclassify the position from Senior Accountant to manage the district budget and accounts.

Cashier: Change the title from Student Financial Services Technician to a standard title that clearly describes the general role.

Campus Support Services Technician: Reclassify Mailroom Clerk to a new full time position combining the roles of the existing Mailroom Clerk and add Campus

Services Receptionist duties to serve the customer service and correspondence/mail needs of the district.

STUDENT SERVICES – ADMISSIONS AND RECORDS

Senior Admissions and Records Specialist: Create a classification series for career progression and operational accountability.

Admissions and Records Specialist: Create a classification series for career progression and operational accountability.

Admissions and Records Technician: Create a classification series for career progression and operational accountability.

Admissions and Records Technical Analyst: Create a new position that provides information technology services for the office.

STUDENT SERVICES – FINANCIAL AID

Senior Financial Aid Specialist: Create a classification series for career progression and operational accountability.

Financial Aid Specialist: Create a classification series for career progression and operational accountability.

Financial Aid Technician: Creating Create a classification series for career progression and operational accountability.

Financial Aid Technical Analyst: Changing the title of the position that provides information technology services for the office to specify the role.

STUDENT SERVICES – DISABILITY RESOURCE CENTER

Program Services Specialist: Reclassify the Office Assistant to a position that is aligned with the existing job duties and responsibilities.

STUDENT SERVICES – MESA/TRIO

Program Services Specialist: Reclassify the Departmental Assistant to a position appropriate to the existing job duties and responsibilities.

ACADEMIC AFFAIRS

Academic Scheduling Coordinator: Add oversight of course scheduling in classrooms and other facility space used for courses to the existing job duties.

Curriculum Specialist: Change the title of the Senior Program Specialist to better distinguish the unique role.

Senior Instructional Program Specialist (Allied Health): Reclassify one Instructional Program Specialist to Senior Instructional Program Specialist based on the expansion of duties including but not limited to budgetary monitoring, tracking, and reporting.

OFFICE OF THE PRESIDENT – PUBLIC INFORMATION

Public Information and Marketing Specialist: Change the title of Program Services Specialist to better distinguish the specialized role and increase the position to full time.

Recommendation #2: Delete the following position titles that no longer exist:

Campus Parking Monitor
Campus Service Receptionist
Senior Child Development Center Teacher
Child Development Center Teacher
Child Development Center Assistant Teacher
Food Service Worker
Director, Child Development Center
Director, Security Services

Recommendation #3: Revise the job descriptions for the following management positions:

Dean, Career Technical Education
Dean, Kinesiology & Athletics
Director, Information Technology
Director, Instructional Site
Vice-President, Administrative Services
Vice-President, Academic Affairs

Recommendation #4: Create job description for new position Director, Community Education & Career Pathways

SUMMARY

The Classification Study revealed that most positions did not change over time. There were minor revisions to job descriptions due to changes in operation, reporting structures, and previous reorganization. The most significant changes occurred in Information Technology, Financial Aid, and Admissions & Records based on the function they serve to support the success of students.

COMPENSATION STUDY

BACKGROUND

The Classification & Compensation Study included a review of each position and a comprehensive review of compensation. The Human Resources Department analyzed the salaries of other Community College Districts using two primary data sources. The Classified Employee Compensation Survey Results report was used for classified positions and the Association of California Community College Administrators (ACCCA) Salary Comparison 2015 report was used for management positions. The most recent version of each report was used.

OBJECTIVE: The objective of the compensation study is to promote fairness within the District and in the job market when recommending salary allocation. We take into account fair compensation for employees, competitive compensation to attract applicants, budget, organizational projections, bargaining unit agreements, cost of living, and funding resources.

Classified Employee Compensation Survey Results 2016

The Classified Employee Compensation Survey includes salary comparisons and percent ranks (Appendix C). The percent rank shows how a district is ranked compared to other reporting districts in the State. A 100% rank indicates a district has a salary that is higher than all the other districts. The median or 50% rank indicates a salary that is above or below an equal number of districts. A 0% rank indicates a salary that is lower than all the other districts.

There were several limitations with this report as the primary data source. This report did not include all classified positions, the classified positions and titles may vary from district to district, and some positions do not exist in other community college districts.

For informational purposes, the Human Resources Department compiled salary data from local community college districts: Cabrillo, Hartnell, WestValley-Mission, and San Jose-Evergreen (Appendix D). The data was reviewed during the analysis but was not the basis for recommendations. The data was compiled using data from the district websites; therefore the salary data is questionable as there is no way to indicate if the website contained the most recent salary information. For this reason, the data was used for informational purposes only.

ACCCA Salary Comparison 2015

The ACCCA Salary Comparison report includes salary comparisons of administrator by position. The following is a description of the salary report from ACCCA:

Each year, ACCCA surveys Chief Executive Officers and Chief Human Resources Officers at every community college district in the state. The survey provides an accurate snapshot of compensation data for administrative positions common to California community colleges. Data includes information on salaries, benefits, allowances and stipends, longevity pay, and span of control for positions ranging from CEO to Deans. Reports are separated out by single college districts and multi-college districts. Districts were asked to match their position descriptions to position descriptions that ranged from CEO to general staff and line managers, as well as a common confidential position. This should provide sufficient information for cross-comparisons with districts of comparable size.

(<http://www.accca.org/i4a/pages/index.cfm?pageid=3501>)

The limitations of using this study as the primary data source were the study did not include all management positions, positions and titles vary from district to district, and some positions do not exist in other community college districts. In addition, this data was based on 2015 salary information.

ANALYSIS

Classified Positions

The compensation study found that classified employee salaries vary significantly in pay range with some positions paid at the 40th percentile while other positions are paid at the 90th percentile according to the results of the 2016 CSEA Salary Study. Based on this variation and to remain competitive for recruitments, the 75th percentile was a comparable benchmark for classified positions. Other factors such as cost of living, increases to minimum wage, affordability of housing, fairness, and recruitment/retention of talented employees were considered.

The classifications that are below market value are the clerical/office and custodial workers. These positions are on the entry level salary tracks which include positions such as Custodian, Office Assistant, and Mailroom Clerk. In order to provide a sustainable living wage, the salary levels should be placed at a competitive track.

The information technology industry changes have a substantial impact on college operations. Technology is an integral part of educational delivery evidenced by the impact of technology to instruction, student support services, and the budget associated with these technological tools. Competitive salaries based on market rates should be considered for these positions.

Other salary adjustments should be considered in areas adjusted due to the findings and analysis of the classification study. This includes the reclassification or creation of classified positions listed under “Recommendations” on pages 9-11 of this report.

Management Positions

The compensation study found that management employee salaries vary significantly in pay range compared to other districts statewide. The previous direction from the board is to place salaries at the 35th ranking or 50th percentile at minimum. There are 8 positions that are below the 35th statewide ranking by 7% to 48% (Appendix E). In order to meet the benchmark of the 35th ranking, the salaries for these positions should be placed at a competitive track.

The Director, Instructional Site positions oversee the college off sites: Morgan Hill and Hollister. (The new Coyote Valley site management is under discussion). This is a unique position that is classified differently in other colleges; therefore, the salary data does not exist from a comparative perspective. The position ranges in varying titles from Dean, Director, classified staff position or faculty position and do not exist in other districts. A separate review of the salary for this position should be conducted to ensure the compensation is for this position is at market value.

Confidential Positions

Confidential positions are a part of the management organizational structure based on the nature of their work. Based on their compensation levels, they are more aligned with classified positions than management positions. In addition, some of these positions are included in the 2016 CSEA Salary Survey report. The CSEA salary report shows the Executive Assistant to the Superintendent/President position at 66% and the HR Technician position at 73%. Therefore, the appropriate benchmark for confidential positions should be at the 75th percentile rather than the 50th percentile.

RECOMMENDATION

Recommendation #1: Place classified positions at the 75th percentile of California Community College Districts based on the 2016 CSEA Salary Survey Data.

- Remove Classified Salary Tracks 6 to 9 and place these positions on Track 10

Custodian
Facilities Use Scheduler
Facilities Maintenance Worker I
Mailroom Clerk
Mobility Aide
Office Assistant

Reprographics Operator

- Move positions in Classified Track 10 to Track 12 that are below the 75th percentile

Reclassify Departmental Assistant to Senior Departmental Assistant
Lead Custodian

- Move positions in Track 10 to Track 12 that are below below the 75th percentile

Groundskeeper
Financial Aid Technician

- Move positions in Track 14 to Track 15 that are below below the 75th percentile

Division Assistant

- Move positions in Track 11 to Track 13 to be competitive in the job market and retain existing talent

Admissions & Records Technician

Recommendation #2: Place Information Technology positions at 10% above their current salaries to be competitive in the job market and retain existing talent.

Recommendation #3: Place confidential positions at the 75th percentile of California Community College Districts based on the 2016 CSEA Salary Survey Data.

Recommendation #4: Place management positions at the 35th statewide rank or 50th percentile of other California Community College Districts.

Recommendation #5: Conduct a special review of the salaries for the Director, Instructional Site positions and make salary adjustments, if applicable based on the data.

Recommendation #6: Develop new salary schedules for Classified, Management, Confidentials. (CSEA salary schedules are subject to contract negotiation).

Recommendation #7: Explore a systematic review process to ensure classified/management/confidential employee salaries remain competitive and at the minimum base salary levels as directed by the Board of Trustees and Superintendent/President.

NEXT STEPS

Employees will have an opportunity to discuss and provide feedback on the results of the study. An open forum will be held on Friday April 7 (11am to 12noon) to allow employees to ask questions. The Superintendent/President will provide directives regarding the results of the classification and compensation study. The District and CSEA will commence negotiations until agreement is reached. Once both parties come to agreement, the CSEA membership will vote to ratify the agreement. Ultimately, the agreement will return to the board of trustees for ratification. The recommendations will be discussed with the management staff and the final recommendations will be executed at a subsequent board meeting.

Due to the sensitive nature of this study and the limitations of the data used for analysis, findings, and recommendations, employees may request an additional review from the Human Resources Department. Employees should submit evidence of changes in their position or supplemental salary data from a credible source to the CSEA President or Vice President by *April 28, 2017*. In addition, classified employees may exercise their rights under Article 17 Position Classification of the CSEA Contract Agreement. Management employees may submit a written request to the Human Resources Department.

PROJECTED TIMELINE (TENTATIVE)	DATE
Issuance of Classification & Compensation Study Report to District Employees	March 2017
Discussion with Classified & Management Employees Regarding the Changes (Meetings & Open Forums) <i>Open Forum</i>	April 2017 <i>April 7 (SS210)</i>
Submit New Information/Evidence to CSEA Representative Managers Submit New Information/Evidence to Supervisors	April 28, 2017
Negotiation of Job Description and Compensation Changes for Classified Positions Ongoing Discussions with Management Employees	May – June 2017
Board of Trustees Action on Recommended Changes to Classified & Management Job Descriptions and Compensation	July 2017

See Appendix F for Draft Classified/Management/Confidential Job Descriptions

**Gavilan Joint Community College District
Governing Board Agenda**

July 11, 2017

Consent Agenda Item No.
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. III.1 (e)

Administrative Services

SUBJECT: Athletic Fields Upgrade Project Change Order #1

- Resolution: BE IT RESOLVED,
 Information Only
 Action Item

Proposal:

That the Board of Trustees authorize a deductive change order in the amount of \$2,412,000 for the Gavilan College Athletic Fields Upgrade Project.

Background:

Public Contract Code §20659 provides that if any change of a contract is ordered by the governing board of a community college district, such change shall be specified in writing and the cost agreed upon between the governing board and the contractor, and further provides that the board may authorize the contractor to proceed with performance of this change without the formality of securing bids, if the cost so agreed upon does not exceed ten percent of the original contract price. The following Change Order (CO) request has been submitted:

Athletic Fields Upgrade Project
Seward L. Schreder Constriction Inc., deductive CO #1 for (\$2,412,000)

This deductive change order is the result of the Contractor's value engineering effort to assist the District in keeping the Project construction costs within the District's Project Budget. The Contractor completed value engineering efforts pursuant to Public Contract Code §7107 which permits a Contractor to propose value engineering cost savings for District acceptance. Under Section §7107, the Contractor is entitled to received 50% of the cost savings realized by District accepted value engineering proposals. The Contractor has agreed to waive its right to the 50% cost savings under Secton §7107.

Budgetary Implications:

The efficient use of Measure E and Lease Revenue Bond Funds.

Follow Up/Outcome:

Upon Board approval, the change order will be issued to the contractor.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Dr. Kathleen Rose
Dr. Kathleen Rose/ Superintendent/ President

Change Order for Athletic Fields Upgrade Project

CHANGE ORDER #01 - Seward L. Schreder Construction, Inc.

PCO #	Description	Amount	Additional Days (Calendar)
1	Synthetic Track and Field Value Engineering	\$ (1,704,000.00)	-161
	Track Resurfacing Value Engineering	\$ (301,025.00)	
	Track Maintenance Value Engineering	\$ (24,000.00)	
	Drinking Fountain Value Engineering	\$ (1,500.00)	
	Concrete Foundation Value Engineering	\$ (29,338.00)	
	Masonry Value Engineering	\$ (41,138.00)	
	Supervision Value Engineering	\$ (90,000.00)	
	Track AC Paving Value Engineering	\$ (132,000.00)	
	Underground/Grading Value Engineering	\$ (180,773.00)	
	Reinforcement Steel	\$ 91,774.00	
	Deductive Alternate No. 3 - Work Plan Completion by 12/15/17	\$ (15,000.00)	
	TOTAL	\$ (2,427,000.00)	-161

Contract Amount	\$ 9,412,000.00
Net Change By Previously Authorized Change Orders	\$ -
Revised Contract Amount Prior to this Change Order	\$ 9,412,000.00
Change Order #01	\$ (2,427,000.00)
New Contract Amount Including this Change Order	\$ 6,985,000.00

Available Construction Contingency	\$ 704,850.00
Change Order #01 - N/A	\$ -
Remaining Construction Contingency	\$ 704,850.00

Contract Start Date	June 14, 2017
Contract Substantial Completion Date	May 25, 2018
New Contract Substantial Completion Date (By Previously Authorized Change Orders)	December 15, 2017
New Contract Substantial Completion Date (Including this Change Order)	December 15, 2017

Gavilan Sports Complex

Categories of Work	Scope of Work	Base Bid	CHANGE ORDER #1 Project Without Track and Field	Value Engineered Savings	Category Net Totals	Sub Contractor
Track & Field	astro turf	\$1,704,000	\$0	\$1,704,000	\$0	frontier
Track & Field	track resurfacing	\$301,025	\$0	\$301,025		beynon
Track & Field	track maintenance	\$24,000	\$0	\$24,000		
ADA/Safety	metal fabrications	\$204,000	\$204,000		\$690,364	Signature Gates
ADA/Safety	signage	\$2,464	\$2,464			awards and signs
ADA/Safety	site furnishing	\$403,800	\$403,800			sports edge
ADA/Safety	Moz Panels	\$70,800	\$70,800			
ADA/Safety	chlorination	\$4,800	\$4,800			
ADA/Safety	drinking fountain	\$6,000	\$4,500	\$1,500		
Buildings	concrete foundation	\$68,251	\$38,913	\$29,338	\$764,828	mer rebar
Buildings	masonry	\$270,878	\$229,740	\$41,138		Patania Masonry -Switch
Buildings	steel deck	\$94,560	\$94,560			linden
Buildings	sheetmetal	\$15,667	\$15,667			capital sheetmetal
Buildings	metal roof	\$118,798	\$118,798			waterproofing associaties
Buildings	glazing	\$132,000	\$132,000			coast counties glass
Buildings	plumbing	\$104,142	\$104,142			associated
Buildings	epoxy flooring	\$30,000	\$30,000			tera lite
Buildings	frp finish	\$1,008	\$1,008			
Contractor	temp facilities	\$21,600	\$21,600		\$111,600	
Contractor	supervision	\$180,000	\$90,000	\$90,000		
Electrical	electrical	\$1,219,025	\$1,219,025		\$1,219,025	adept
Fencing & Netting	fence	\$359,983	\$359,983		\$359,983	cfi
Landscape	Landscape	\$346,800	\$346,800		\$346,800	lonestar
Sitework	striping	\$42,000	\$42,000		\$1,136,400	compass
Sitework	Plaza art Paint	\$60,000	\$60,000			
Sitework	ac paving	\$440,400	\$308,400	\$132,000		duman and venables
Sitework	Striping/wheel stops	\$6,000	\$6,000			
Sitework	concrete	\$720,000	\$720,000			efs
Underground	trench drain	\$84,000	\$84,000		\$2,279,227	
Underground	Underground /Grading	\$2,376,000	\$2,195,227	\$180,773		
Buildings	reinforcement steel	\$0	\$91,774	(\$91,774)	\$91,774	
Alt #3: Accelerated Schedule		\$0	(\$15,000)	(\$15,000)	(\$15,000)	
Total		\$9,412,000	\$6,985,000	\$2,397,000	\$6,985,000	
Alternate #1: Track & Field Lighting		\$495,000				
Alternate #2: Baseball Field Lighting		\$399,000				

**Gavilan Joint Community College District
Governing Board Agenda**

July 11, 2017

Consent Agenda Item No.
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. III.1 (f)

Administrative Services

SUBJECT: Approval of an agreement with Storm Water Inspection and Maintenance Services, Inc. to provide QSP (Qualified SWPPP Practitioner) for the Athletic Fields Upgrade Project

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees approves this service agreement with Storm Water Inspection and Maintenance Services, Inc. for an amount not to exceed \$24,715 for Storm Water Pollution Prevention Program (SWPPP) inspections, surveys, monitoring, training and reports. Prepare annual reports per SWPPP requirements and prepare the Notice of Termination (NOT) filing for the SMART system for the Athletic Fields Upgrade Project. This is a requirement of the agreement with the California Stormwater Quality Association and California Construction General Permit Training Team.

Background:

The District must conduct SWPPP inspections, surveys, monitoring, training and reports. Prepare annual reports per SWPPP requirements and prepare the NOT filing for the SMART system for Athletic Fields Upgrade. This work will satisfy the requirements with the California Stormwater Quality Association and California Construction General Permit Training Team. District wishes to contract with Storm Water Inspection and Maintenance Services, Inc. for the services required on this project.

Budgetary Implications:

Effective use of Measure E and Lease Revenue Bond Funds.

Follow Up/Outcome:

Process agreement after Board approval.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Kathleen Rose
Dr. Kathleen Rose, Superintendent/ President

**Gavilan Joint Community College District
Governing Board Agenda**

July 11, 2017

Consent Agenda Item No.

Administrative Services

Information/Staff Reports No.

Discussion Item No.

Old Business Agenda Item No.

New Business Agenda Item No. III.1 (g)

SUBJECT: Geotechnical Service Agreement with Cornerstone Earth Group

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees approves this service agreement with Cornerstone Earth Group for geotechnical observation and testing services for Gavilan College Athletic Fields Upgrade Project.

Background:

The District anticipates construction of works of improvement on the Athletic Fields Upgrade Project. The District is required by applicable law to retain Geotechnical of Record (GOR) services to complete inspection and testing of project construction materials and soils. District wishes to contract with Cornerstone Earth Group for special services as the GOR for this project pursuant to Government Code Section 53060.

Geotechnical Service Agreement for Gavilan College Athletic Fields Upgrade Project:

- Services to include review of construction documents, tests and inspections of construction materials, and preparation all required documentation.
- Service fees for time and materials not to exceed \$74,000.

Budgetary Implications:

Efficient use of Measure E and Lease Revenue Bond Funds.

Follow Up/Outcome:

Process agreement after Board approval.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: _____

Frederick E. Harris

Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: _____

Kathleen Rose

Dr. Kathleen Rose, Superintendent/ President

**Gavilan Joint Community College District
Governing Board Agenda**

July 11, 2017

Consent Agenda Item No.
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. III.1 (h)

Administrative Services

SUBJECT: Laboratory of Record Service Agreement with Consolidated Engineering Laboratories

- Resolution: BE IT RESOLVED,
 Information Only
 Action Item

Proposal:

That the Board of Trustees approve this Laboratory of Record service agreement with Consolidated Engineering Laboratories for the Gavilan College Gym Bleachers & Flooring Project.

Background:

The District anticipates construction of works of improvement on the gym bleachers and flooring. The District is required by applicable law to retain the services of a Division of State Architect (DSA) certified Laboratory of Record for special inspections. District wishes to contract with Consolidated Engineering Laboratories for LOR special testing services on this project pursuant to Government Code 53060. Services to include review of construction documents, recording, reporting, testing and inspections required by DSA Procedure Regulation.

1. Gavilan College Gym Bleachers & Flooring Project. Service fees for time and materials for inspection services not to exceed \$4,000 funded from Measure E funds.

Budgetary Implications:

The efficient use of Measure E and Lease Revenue Bond Funds.

Follow Up/Outcome:

Process agreement after Board approval.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Kathleen Rose
Dr. Kathleen Rose, Superintendent/ President