

Policy Change	<input checked="" type="checkbox"/>	Subject Matter Area Review	<input checked="" type="checkbox"/>
Procedure Change	<input checked="" type="checkbox"/>	Constituency Group Review	<input checked="" type="checkbox"/>
New Policy	<input type="checkbox"/>	District Council	<input type="checkbox"/>
New Procedure	<input type="checkbox"/>	Board 1 <sup>st</sup> Reading	<input type="checkbox"/>
		Board 2 <sup>nd</sup> Reading	<input type="checkbox"/>

**KEY:**  
**BOLD=** new language  
~~strikethrough=~~ delete language

Comments:

Referred to:

Edited:  
 9/21/16



**Policy**

**3600 Auxiliary Organizations**

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

The Chancellor shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the **California Community Colleges Chancellor's Office** 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 Chancellor pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Board shall comply with Education Code provisions regarding:

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

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

1 apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and  
2 funding for programs and services for disabled students.  
3

4 **References:**

5 Education Code Sections [72670 et seq.](#); Title 5, Sections [59250 et seq.](#); ~~Government Code Sections [12580](#)~~  
6 ~~[et seq.](#)~~  
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8 **Adopted:** June 28, 2004

9 **Revision Adopted:** ~~June 28, 2004~~ **February 11, 2009**

10 **Last Reviewed:**  
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**Administrative Procedure**

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**3600 Auxiliary Organizations**

I. Definitions

- A. Board of Directors.  
The term board of directors as used herein means the governing board of an auxiliary organization.
- B. Board of Trustees.  
The term Board of Trustees as used herein means the Board of Trustees of the District.
- C. Board of Governors.  
The term Board of Governors as used herein means the Board of Governors of the California Community Colleges.
- D. Chancellor.  
The term Chancellor as used herein means the Chancellor **or** of the District or designee.
- E. District.  
The term District as used herein means the Yosemite Community College District.
- F. Associated Student Body.  
The terms Associated Student Body, Associated Student Organization, Student Association, Student Organization, or ASB as used herein means an organization formed by any group of students from a College of the District in accordance with the provisions of Education Code Section 76060. All clubs and organizations recognized by an Associated Student Body or Organization shall be included in any auxiliary organization established by the Student Body or Organization.

II. Recognition and Establishment of Auxiliary Organizations

- A. The Chancellor shall submit a recommendation to the Board of Trustees to establish an auxiliary organization when the organization will serve the District. The recommendation includes, but is not limited to, the following:
  - 1. The purpose(s) for which the auxiliary organization is to be established;
  - 2. Whether the proposed auxiliary organization will primarily serve the District or a particular District;
  - 3. The functions which the auxiliary organization is intended to perform;
  - 4. The proposed bylaws and articles of incorporation for the auxiliary organization, including the size and composition of the board of directors; and

1 5. The proposed written agreement between the auxiliary organization and the District, as  
2 required in Title 5, ~~Sec.~~ **Section** 59259.

3  
4 B. The process of recognition shall be as follows:

5  
6 1. When the Chancellor receives a request to establish an auxiliary organization, the Chancellor  
7 shall submit a recommendation concerning the establishment of said organization to the  
8 Board of Trustees within three months.

9  
10 2. The Board of Trustees shall hold a public hearing on each recommendation concerning the  
11 establishment of an auxiliary organization.

12  
13 3. At a subsequent scheduled meeting after the public hearing, the ~~bb~~ Board shall announce its  
14 decision concerning the establishment of the organization, and, if approved, authorize the  
15 functions it may perform, identify the number and category or categories of the board of  
16 directors and approve contractual arrangements.

17  
18 C. At such time as the District recognizes an auxiliary organization, it shall submit to the ~~state~~  
19 **California Community Colleges** Chancellor's Office any written agreements with the auxiliary  
20 organization, as well as the articles of incorporation, bylaws, or other governing instruments.

21  
22 III. Recognized Services, Programs and Functions

23  
24 A. Auxiliary organizations may be recognized and established by the Board of Trustees to perform  
25 **services, programs and functions which are an integral part of the community college**  
26 **educational programs.** ~~‡~~ The following **supportive** services, **and specified** programs ~~and functions~~  
27 **have been determined to be appropriate:**

28  
29 1. Student association or organization activities;

30  
31 2. Bookstores;

32  
33 3. Food and campus services;

34  
35 4. Student union programs;

36  
37 5. Facilities and equipment, including parking;

38  
39 6. Loans, scholarships, grants-in-aid;

40  
41 7. Workshops, conferences, institutes and federal and specially funded projects;

42  
43 8. Alumni activities;

44  
45 9. Supplementary health services;

46  
47 10. Gifts, bequests, devises, endowments and trusts; and

48  
49 11. Public relations programs.

1  
2 B. ~~No auxiliary organization shall be authorized by the Board of Trustees to engage in any other~~  
3 ~~function unless the Board of Governors amends Section 59259 of Title 5 by adding said function~~  
4 ~~to the list of approved functions of auxiliary organizations.~~ This section shall not be construed to  
5 prohibit an auxiliary organization from taking actions essential to satisfy the non-profit  
6 corporation or tax laws of the State of California or the Federal tax laws.

7  
8 C. Operations of commercial services on a campus shall be self-supporting when operated by an  
9 auxiliary organization.

10  
11 IV. Authority and Responsibility of Auxiliary Organizations

12  
13 A. Participation in workshops, conferences, or institutes offered by auxiliary organizations shall not  
14 be included in reports to the state for the purpose of receiving apportionment funding.

15  
16 B. All services, programs and activities that may be undertaken by an auxiliary organization shall be  
17 maintained for the general benefit of the educational program of the District. Upon Board of  
18 Trustees approval, an auxiliary organization may assume any of the services, programs and  
19 activities listed in these procedures in order:

- 20  
21 1. To provide the fiscal means and the management procedures that allow the District to carry  
22 on educationally related activities not normally funded by State apportionment;  
23  
24 2. To eliminate the undue difficulty that would otherwise arise under the usual governmental  
25 budgetary, purchasing and other fiscal controls except as expressly prohibited by the  
26 Education Code or Title 5, or the District's procedures; or  
27  
28 3. To provide fiscal procedures and management systems that allow effective coordination of  
29 the auxiliary activities with the District in accordance with sound business practices.

30  
31 V. Composition of Boards of Directors

32  
33 A. The board of directors of each auxiliary organization shall have the following composition:

- 34  
35 1. Student Associations or Organizations.

36  
37 The board of directors shall consist primarily of students. The designee may attend and  
38 participate in meetings of the board of directors in order to advise on policy and to provide  
39 for the control and regulation required by Education Code Section 76060.

- 40  
41 2. Other Auxiliary Organizations.

42  
43 Any other District approved auxiliary organization that is established pursuant to Sections  
44 72670 et seq. of the Education Code shall have a board of directors appointed in accordance  
45 with the organization's articles of incorporation or bylaws and consisting of voting  
46 membership from one or more of the following categories: administration; staff; members  
47 of the community; students.

- 1 B. The size of the board of directors of an auxiliary organization shall be at least large enough to  
2 accommodate the one or more categories from which board members are selected.  
3  
4 C. The board of directors shall have the advice and counsel of at least one attorney admitted to  
5 practice in California and at least one certified public accountant. Upon being notified of the  
6 certified public accountant selected by an auxiliary organization, the **ed** District shall forward the  
7 applicable auditing and reporting procedures to the selected certified public accountant.  
8

9 VI. Conduct of Boards of Directors

- 10  
11 A. No member of the board of directors of an auxiliary organization shall be financially interested in  
12 any contract or other transaction entered into by the board of which he/she is a member. Any  
13 contract or transaction entered into in violation of this section is void.  
14  
15 B. No contract or other transaction entered into by the board of directors of an auxiliary organization  
16 is void under the provisions of Education Code Section 72677; nor shall any member of such board  
17 be disqualified or deemed guilty of misconduct in office under such provisions, if pursuant to  
18 Education Code Section 72678 both of the following conditions are met:  
19  
20 1. The fact of such financial interest is disclosed or known to the board of directors and noted in  
21 the minutes, and the board thereafter authorizes, approves, or ratifies the contract or  
22 transaction in good faith by a vote sufficient for the purpose without counting the vote or  
23 votes of such financially interested member or members.  
24  
25 2. The contract or transaction is just and reasonable as to the auxiliary organization at the time  
26 it is authorized or approved.  
27  
28 C. ~~3.~~ The provisions of Education Code Section 72678 above shall not be applicable if any of the  
29 following conditions are met:  
30  
31 1. ~~4.~~ The contract or transaction is between an auxiliary organization and a member of the board  
32 of directors of that auxiliary organization.  
33  
34 2. ~~5.~~ The contract or transaction is between an auxiliary organization and a partnership or  
35 unincorporated association of which any member of the governing board of that auxiliary  
36 organization is a partner or in which he or she is the owner or holder, directly or indirectly, of  
37 a proprietorship interest.  
38  
39 3. ~~6.~~ The contract or transaction is between an auxiliary organization and a corporation in which  
40 any member of the board of directors of that auxiliary organization is the owner or holder,  
41 directly or indirectly, of five percent or more of the outstanding common stock.  
42  
43 4. ~~7.~~ A member of the board of directors of an auxiliary organization is interested in a contract  
44 or transaction within the meaning of Education Code Section 72677 and without first  
45 disclosing such interest to the governing board at a public meeting of the board, influences or  
46 attempts to influence another member or members of the board to enter into the contract  
47 or transaction.  
48

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

5  
6 VII. Bylaws

- 7  
8 A. The bylaws of an auxiliary organization shall include, but not be limited to, specifying:

- 9  
10 1. ~~B.~~ The number of members of the board of directors, the categories from which members  
11 shall be selected and the method by which they shall be selected.  
12  
13 2. ~~C.~~ The size of the board of directors.  
14  
15 3. ~~D.~~ That at least one public business meeting will be held each quarter.  
16  
17 4. ~~E.~~ The time table for the preparation and adoption of its program and annual budget and the  
18 submission of both for review to the Chancellor.  
19  
20 5. ~~F.~~ That an attorney admitted to practice in this state and a licensed certified public accountant  
21 shall be selected to provide advice and counsel to the board of directors. Each shall have  
22 experience appropriate to the responsibility and shall have no financial interest in any  
23 contract or other transaction entered into by the board which he/she serves. Neither the  
24 attorney nor the certified public accountant needs to be a member of the board of directors.  
25  
26 6. ~~G.~~ The procedures for approving expenditures.  
27  
28 7. ~~H.~~ The procedures for accepting gifts, donations, bequests, trusts and specially funded grants  
29 and other income.  
30

31 VIII. Master Agreement between District and Auxiliary Organizations

- 32  
33 A. In the recognition and establishment of an auxiliary organization, there shall be a written  
34 agreement between the District and the auxiliary organization which sets forth the purposes of  
35 the auxiliary organization as permitted under this Regulation, and Title 5 Section 59259.  
36  
37 B. Should an auxiliary organization provide more than one service, program or function, such service,  
38 program or function may be authorized in one of more written contracts with the District. Such  
39 services, programs and functions thereby performed by an auxiliary organization may also be part  
40 of a joint powers agreement in accordance with Education Code Section 72671 and Government  
41 Code Sections ~~6500~~ 6500 et seq.  
42  
43 C. An auxiliary organization shall provide only those services, programs or functions authorized by a  
44 written agreement. No other service, program or function shall be permitted or performed unless  
45 a written agreement between the District and the auxiliary organization is amended to provide  
46 otherwise.  
47  
48 D. The agreement shall include, but is not limited to, the following provisions:  
49

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



12. The covenant of the auxiliary organization to maintain its organization and to operate in accordance with **Education Code** Sections 72670 through – 72682 **of the Education Code** and with **the regulations contained in** Title 5, Sections 59250 et seq., as well as District Board Policy.
13. The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.
14. The understanding that the auxiliary organization shall not enter into any contract or other business arrangement involving real property either by lease involving payments of more than \$25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with the Chancellor.

IX. Personnel

- A. Each auxiliary organization shall develop general regulations to govern its operations, including policies and regulations concerning the salaries, working conditions and benefits of its employees.
- B. The aforesaid regulations shall not conflict with the implementing policies adopted by the Board of Trustees or with these procedures.
- C. Except as otherwise provided in any board rules, the board of directors of each auxiliary organization shall, pursuant to Education Code Section 72672, provide salaries, working conditions and benefits for its full-time employees that are comparable to those provided District employees performing substantially similar services. For those full-time employees who perform services that are not substantially similar to the services performed by District employees, the salaries established shall be comparable to the salaries prevailing in other educational institutions in the area or commercial operations of like nature in the area.
- D. Regular District employees may be employed by the auxiliary organization. District employees must resign or request a personal leave of absence from the District in order to accept employment with the auxiliary organization. District officers and employees who are required by the **eD**istrict'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 **eD**istrict.
  1. Educational Administrators or other Management Employees may be granted a personal leave of absence for two semesters, which may be extended to a maximum of ten consecutive semesters.
  2. Classified management employees may be granted a personal leave of absence for up to one year. This leave may not be extended beyond one year without the employee first having returned to active duty.
  3. Academic (faculty) employees may be granted personal leave of absence for two semesters. The leave may be extended for not more than six consecutive semesters.

- 1 4. Classified employees may be granted a personal leave of absence for up to one year. This  
2 leave may not be extended beyond one year without the employee first having returned to  
3 active duty.  
4
- 5 E. The board of directors of each auxiliary organization may provide retirement benefits different  
6 from those provided comparable District employees and may withhold retirement benefits or  
7 permanent status benefits or both from temporary employees. For the purposes of this  
8 procedure, a temporary employee is:  
9
  - 10 1. An employee employed for a specific research project, workshop, institute or other special  
11 project funded by any grant, contract or gift; or  
12
  - 13 2. An employee whose contract of employment is for a fixed term not exceeding three years.  
14
- 15 F. The board of directors of each auxiliary organization may withhold permanent status benefits  
16 from executive employees. For the purposes of this procedure, an executive employee is any  
17 management employee with responsibility for the development and execution of the auxiliary  
18 organization's policies and includes, but is not limited to, general managers, managers, directors  
19 and the like, as determined by the board of directors of each auxiliary organization.  
20
- 21 G. Should retirement benefits be provided, they may but need not be provided by the Public  
22 Employees' Retirement System. Any newly created auxiliary organization is exempted from the  
23 requirement of providing retirement benefits for a period not to exceed three years from the date  
24 on which the Board of Trustees recognizes the establishment of such auxiliary organization.  
25
- 26 H. An auxiliary organization may contract with the District for the services of a District employee and  
27 reimburse the District for that portion of the employee's full-time assignment (and corresponding  
28 benefits) that is spent in providing said services.  
29
- 30 X. Accounting and Reporting for Auxiliary Organizations  
31
  - 32 A. The fiscal year of the auxiliary organization shall coincide with that of the District.  
33
  - 34 B. Each auxiliary organization shall develop an accounting system that is in accordance with  
35 generally accepted accounting principles.  
36
  - 37 C. The auxiliary organization shall implement financial practices that will assure its fiscal viability.  
38 Such standards shall include professional management, adequate working capital, adequate  
39 reserve funds for current operations, capital replacements, contingencies and adequate  
40 provisions for new business requirements.  
41
  - 42 D. Each auxiliary organization serving the District shall submit its programs and budgets for review  
43 at a time and in a manner specified by the Chancellor.  
44
  - 45 E. Funds derived from indirect cost payments shall only be appropriated with the specific approval  
46 of the **Chancellor** (CEO). All uses of such funds shall be regularly reported to the **dd** District  
47 governing board.  
48

- 1 F. Should the Chancellor determine that any program or appropriation planned by an auxiliary  
2 organization is not consistent with District policy, the program or appropriation shall not be  
3 implemented. Further, should a program or appropriation which has received approval, upon  
4 review, be determined by the Chancellor to be operating outside the acceptable policy of the  
5 Board of Governors or the District, then that program or appropriation shall be discontinued by  
6 direction of the Chancellor until further review is accomplished and an appropriate adjustment is  
7 made.  
8
- 9 G. The board of directors of an auxiliary organization shall approve all expenditure authorizations.
- 10
- 11 H. If the auxiliary organization receives or accrues in any fiscal year gross revenue of two million  
12 dollars (\$2,000,000) or more, it shall also:  
13
- 14 1. Include in its bylaws an audit committee appointed by the board of directors. The audit  
15 committee may include persons who are not members of the board of directors, but the  
16 member or members of the audit committee shall not include any members of the staff,  
17 including the president or chief executive officer and the treasurer or chief financial officer.  
18 If the auxiliary committee has a finance committee, it must be separate from the audit  
19 committee. Members of the audit committee shall not receive any compensation from the  
20 corporation in excess of the compensation, if any, received by members of the board of  
21 directors for service on the board and shall not have a material financial interest in any entity  
22 doing business with the corporation. Subject to the supervision of the board of directors, the  
23 audit committee shall be responsible for recommending to the board of directors the  
24 retention and termination of the independent auditor and may negotiate the independent  
25 auditor's compensation, on behalf of the board of directors.  
26
  - 27 2. The audited financial statements shall be available for inspection by the Attorney General and  
28 shall be made available to members of the public.  
29
  - 30 3. The board of directors, or an authorized committee of the board, shall review and approve  
31 the compensation, including benefits, of the President or Chief Executive Officer and the  
32 Treasurer or Chief Financial Officer to assure that it is just and reasonable. This review and  
33 approval shall occur initially upon the hiring of the officer, whenever the term of employment,  
34 if any, of the officer is renewed or extended, and whenever the officer's compensation is  
35 modified. Separate review and approval shall not be required if a modification of  
36 compensation extends to substantially all employees.  
37

38 XI. Records and Annual Report of Auxiliary Organizations

- 39
- 40 A. Personnel and payroll records shall be maintained as permanent records by each auxiliary  
41 organization.  
42
- 43 B. Adequate records of all other transactions of an auxiliary organization shall be maintained for a  
44 minimum of five years. Transactions of the organization include, but are not limited to, purchases,  
45 disbursements, and investments.  
46
- 47 C. An annual report shall be submitted to the **B**board of directors of the auxiliary organization and  
48 to the Chancellor by September 15. The report shall include, but is not limited to:  
49

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

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

## XII. Annual Audit

- A. Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Board of Governors, as contained in the California Community College Auxiliary Organization Accounting and Reporting System as update and amended from time to time. Copies of the annual report shall be submitted to the Board of Trustees and to the **state California Community Colleges** Chancellor's Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.
- B. Auxiliary organizations shall annually publish an audited statement of their financial condition, which shall be disseminated as widely as feasible and be available to any person on request. A reasonable fee may be charged to cover the costs of providing a copy. An auxiliary organization shall comply with this requirement by:
  1. Publishing the audited financial statement in a campus newspaper; or
  2. Publishing a notice in a campus newspaper indicating the on-campus location where copies of the financial statement may be obtained or reviewed; or
  3. Publishing or noticing the audited statement in a campus bulletin or other appropriate medium if a campus newspaper is unavailable.

## XIII. Insurance

- A. An auxiliary organization shall secure and maintain insurance adequate to protect its operations from catastrophic losses and as required by law, including but not limited to, the following:
  1. Comprehensive liability;
  2. Property and extended coverage, when applicable;
  3. All risks, money and securities;
  4. Fidelity and performance bonds covering its chief fiscal officer;

1  
2 5. Automotive liability when applicable; and

3  
4 6. Workers' Compensation

5  
6 B. In any insurance policy secured by the auxiliary organization, the District shall be named as  
7 additional insured.

8  
9 C. A copy of each policy or endorsement or insurance certificates setting forth the coverage and  
10 limits shall be provided to the District within 30 days from the receipt of the document.

11  
12 D. In obtaining the insurance coverage, the auxiliary organization may secure the insurance directly  
13 through its own broker or through the District.

14  
15 XIV. Auxiliary Organizations: Use of Facilities

16  
17 A. Facilities may be made available by the District to an auxiliary organization to perform the  
18 functions specified in these regulations or in an agreement, under the following circumstances:

19  
20 1. The auxiliary organization may occupy, operate and use such District facilities as are mutually  
21 identified as appropriate for the functions and/or activities that have been undertaken by the  
22 auxiliary organization.

23  
24 2. The auxiliary organization shall pay to the District a charge or rental for the District facilities  
25 to be used by it in connection with the performance of its function or functions.

26  
27 3. The charge or rental to be paid by the auxiliary organization shall not require involved  
28 methods of computation, and shall be identified by the District and the auxiliary organization  
29 in sufficient time before it is incurred so that the auxiliary organization may determine to what  
30 extent it shall be liable.

31  
32 4. The charge or rental to be incurred by an auxiliary organization for use of District facilities in  
33 excess of five days shall be incorporated into the agreement between the parties.

34  
35 5. An auxiliary organization shall provide full reimbursement to the District for any services  
36 performed by District employees under the direction of the auxiliary organization. Methods  
37 of proration where services are performed by District employees for the auxiliary organization  
38 shall be simple and equitable.

39  
40 XV. List of Auxiliary Organizations in Good Standing

41  
42 A. Each year, the Chancellor shall provide to the Board of Trustees a list of all auxiliary organizations  
43 in good standing. All auxiliary organizations which, after periodic review in the manner specified  
44 hereinafter in these regulations, are found to be in compliance with applicable laws, policies and  
45 regulations shall be included in the list.

46  
47 B. When the Chancellor has reason to believe that a particular organization should be removed from  
48 the list of auxiliary organizations in good standing, a conference shall be held to determine  
49 whether such grounds for removal do in fact exist. The board of directors of such organization

1 shall be entitled to participate in this conference, and shall have a minimum of one month notice  
2 to prepare response to the issues which have been raised.

3  
4 C. Based upon such conference, the Chancellor shall decide whether the particular organization shall  
5 be removed from the list of auxiliary organizations in good standing.

6  
7 D. An organization so removed shall not be permitted to do any of the following:

- 8  
9 1. Use the name of the District;  
10  
11 2. Have as a director any official in the District acting in his/her official capacity;  
12  
13 3. Operate a commercial service for the benefit of the District or any of its Colleges; and  
14  
15 4. Receive gifts, property or funds to be used for the benefit of the District or any of its Colleges.

16  
17 E. If the auxiliary organization is dissolved or ceases operations upon removal from the list of  
18 organizations in good standing, its net assets and liabilities shall be distributed according to the  
19 terms of the written agreement between the organization and the District.  
20

21 XVI. Limitation on Transfer of Funds to Auxiliary Organizations

22  
23 A. No funds or resources, other than funds or resources derived from gifts or bequests, shall be  
24 transferred by the District to any of its auxiliary organizations for the purpose of either avoiding  
25 laws or regulations which constrain community college districts or providing the District with an  
26 unfair advantage with respect to the application of any state funding mechanism. Such state  
27 funding mechanisms include, but are not limited to, general apportionment funding, capital  
28 outlay funding, Extended Opportunity Programs and Services funding, and funding for programs  
29 and services for disabled students.  
30

31 XVII. Compliance Review by Chancellor

32  
33 A. All auxiliary organization procedures and practices shall be reviewed to determine compliance  
34 with Education Code Section § 72670 et seq., and the policies, rules and regulations of the Board  
35 of Governors, and of the District. The Chancellor shall designate the individual to conduct this  
36 review, which shall be conducted at the end of the first complete fiscal year after its establishment  
37 and at least once every three years thereafter.  
38

39 B. When the Chancellor's designee determines, after inspection and review, that certain auxiliary  
40 organization procedures and practices are not in compliance with policies, rules and regulations  
41 of the Board of Governors and the District, a recommendation concerning the items of  
42 noncompliance shall be communicated in writing to the Chancellor and to the board of directors  
43 of the auxiliary organization. The board of directors shall reply in writing within one month, either  
44 describing the actions which will be taken, including time table, to bring said procedures and  
45 practices into compliance; or describing the reasons why the board considers the procedures  
46 already to be in compliance.  
47

48 C. If the Chancellor's designee considers the proposed corrective actions to be acceptable, the  
49 auxiliary organization shall be so informed. A second compliance review shall be held at the end

1 of the time agreed to and the results communicated in writing to the Chancellor and to the board  
2 of directors.

- 3
- 4 D. When the auxiliary organization fails to provide an acceptable proposal for corrective actions or  
5 fails to implement successful corrective actions within the agreed upon time, the Chancellor shall  
6 inform the board of directors of such further action as he/she considers appropriate, which may  
7 include a recommendation to the Board of Trustees for termination of the contract.

8

9 XVIII. Revision of Rules and Procedures and Reports to the ~~CCC System~~ **California Community Colleges**  
10 **Chancellor's** Office

- 11
- 12 A. Rules and procedures for the administration of auxiliary organizations may be revised as  
13 necessary by the Chancellor or designee. The board of directors of each auxiliary organization in  
14 good standing shall be promptly notified in writing of such revisions and be informed of the date  
15 by which any changes in the organization's procedures must be accomplished.
- 16
- 17 B. Any such revisions shall be submitted to the ~~state System~~ **California Community Colleges**  
18 **Chancellor's** Office for approval.
- 19
- 20 C. The District shall report, as may be required from time to time, on the operation of its auxiliary  
21 organizations.

22

23 **References:**

24 Education Code Sections [72670 et seq.](#); Government Code Sections [12580 et seq.](#); Title 5, Sections [59250](#)  
25 [et seq.](#)

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27 **Procedure Last Revised:** January 14, 2009

28 **Last Reviewed:**