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**BOARD POLICY**

**3715**

COLLEGE OF THE SEQUOIAS CCD

General Institution

**INTELLECTUAL PROPERTY**

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

See Administrative Procedures 3715.

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 9/2/21	30 Day; 9/10/21	SM; 10/14/21	DGS; 10/26/21	Board; 11/8/21; 12/13/21

Ref.: 17 USC 101 et seq.; 35 USC 101 et seq.; and 37 CFR 1.1 et seq.  
Originally adopted as Board Policy 8015 on January 21, 1080  
Adopted: April 9, 2007

INTELLECTUAL PROPERTY

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

- A. Definitions: For the purposes of this procedure, the following definitions apply to the following words or phrases:

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

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

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

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

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

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

“Employee” means an individual employed by the District, and shall include fulltime and part-time faculty, classified staff, student employees, appointed personnel, persons with "no salary" appointments, and academic professionals, who develop intellectual property using District resources, unless there is an agreement providing otherwise.

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

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

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

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

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

B. Ownership of Intellectual Property: The ownership rights to a creation at the District shall be determined generally as set forth below, unless ownership is specifically modified by a written agreement.

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

Intellectual property unrelated to an individual's employment responsibilities at the District, and that is developed on an individual's own time and without the District's support or use of District facilities is the exclusive property of the creator and the District has no interest in any such property and holds no claim to any profits resulting from such intellectual property.

2. District Intellectual Property Rights: The District owns all other intellectual property, including but not limited to patentable inventions, such as computer software, created by its employees under the following circumstances:
  - a. If intellectual property is created through the District's administrative activities by an employee working within his or her scope of employment; or
  - b. If intellectual property is created by an employee executing a duty or specific assignment designated by the District; or
  - c. If intellectual property is created through the substantial use of District resources; or
  - d. If intellectual property is commissioned by the District pursuant to a signed contract; or
  - e. If intellectual property is produced within one of the nine categories of works considered works for hire under copyright law pursuant to a written contract, or
  - f. If intellectual property is produced from research specifically supported by state or federal funds or third party sponsorship.

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

The Superintendent/President, or designee, may waive the District's interests in its intellectual property by executing a written waiver.

3. Student Intellectual Property Rights: District students who created a work are owners of and have intellectual property rights in that work. District students own the intellectual property rights in the following works created while they are students at the District: (1) intellectual property created to meet course requirements using ~~college~~ or District resources, and (2) intellectual property created using resources available to the public. Intellectual property works created by students while acting as District employees shall be governed under provisions for employees.
- C. Modification of Ownership Rights: The general provisions for ownership of intellectual property rights set forth herein may be modified by the parties as follows:
1. Sabbatical Works. Generally, intellectual property created by District employees during a sabbatical is defined as an academic work. However, where a work to be created as part of an approved sabbatical plan requires resources beyond those normally provided to other employees during a sabbatical (substantial use of District resources), the parties may enter into a written agreement to define the District and employee's intellectual property rights in the sabbatical work.

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

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

3. **Sponsorship Agreements.** A sponsored work is a work first produced by or through the District in the performance of a written agreement between the District and a sponsor. Sponsored works generally include interim and final technical reports, software, and other works first created in the performance of a sponsored agreement. Sponsored works do not include journal articles, lectures, books or other copyrighted works created through independent academic effort and based on the findings of the sponsored project, unless the sponsored agreement states otherwise. Ownership of copyrights to sponsored works shall be with the District unless the sponsored agreement states otherwise. Where a sponsorship agreement does not define ownership of the intellectual property, ownership shall be determined under applicable law. Any sponsorship agreement that provides for ownership of the work by one other than the District generally shall provide the District with a nonexclusive, world-wide license to use and reproduce the copyrighted work for education and research purposes.
4. **Collaboration/Partnership Agreements.** The District may participate in projects with persons/organizations that result in the creation of intellectual property. Ownership rights of such intellectual property will be defined by the collaboration/partnership agreement, or shall be determined under applicable law.
5. **Special Commissions.** Intellectual property rights to a work specially ordered or commissioned by the District from a faculty member, professional staff member, other District employee, or other individual or entity, and identified by the District,

as a specially commissioned work at the time the work was commissioned, shall belong to the District. The District and the employee shall enter into a written agreement for creation of the specially commissioned work.

6. Use of Substantial District Resources. In the event the District provides substantial resources to an employee for creation of a work and the work was not created under an agreement (such as a sponsorship agreement, individual agreement, or special commission) the District and the creator shall own the intellectual property rights jointly in proportion to the respective contributions made. Disagreements as to apportionment are subject to the grievance procedure set forth in the appropriate collective bargaining agreement.
  7. Encoded Works/Software for Administrative Activities. The District may hire an individual or entity to develop software or other encoded works, to be used in the District's administrative activities. The District shall maintain ownership of the intellectual property rights in such encoded works. Similarly, the District shall have ownership of the intellectual property rights in encoded works created by an employee, even where the work was created out of the employee's own initiative, if the work related to the employee's job responsibilities. For example, if an employee in the student records office creates a software program, on his own initiative that will organize student records, such work is related to the employee's job duties and will belong to the District. Where an employee creates a program that does not relate to his or her job duties, and that program was created on the employee's own time, the work belongs to the employee.
  8. Collective Bargaining Agreement. In the event the provisions of these procedures and the provisions of any operative collective bargaining agreement conflict, the collective bargaining agreement shall take precedence.
  9. Jointly Created Works. Ownership of jointly created works shall be determined by separately assessing which of the above categories applies to each creator, respectively. Rights between joint owners of a copyright shall be determined pursuant to copyright law.
  10. Work Acquired by Assignment or Will. The District may acquire copyrights by assignment or will pursuant to the terms of a written agreement or testament. The terms of such agreements should be consistent with District policies and these procedures.
- D. Materials Implicating Third Party Rights: District employees and students must comply with District policies and state and federal laws, including copyright and privacy laws, in creating works. District employees and students must obtain all required licenses, consents, and releases necessary to avoid infringing the rights of third parties. District employees and students with questions or concerns regarding third party rights should direct all inquiries to the Vice President, Academic Services.

E. Intellectual Property Coordinator: The Vice President, Academic Services, shall be the District's Intellectual Property Coordinator. The coordinator shall administer this procedure and will implement the District's Intellectual Property Policy. The Intellectual Property Coordinator will also monitor the development and use of the District's intellectual property. Any questions relating to the applicability of the District Intellectual Property or this procedure may be directed and answered by the Intellectual Property Coordinator.

F. Preservation of Intellectual Property Rights:

1. Protection of Rights: The District shall undertake such efforts, as it deems necessary to preserve its rights in original works for which the District is the sole or joint owner of intellectual property rights. The District may apply for a patent, for trademark registration, for copyright registration, or for other protection available by law on any new work in which it maintains intellectual property rights.
2. Payment of Costs: The District may pay some or all costs required for obtaining a patent, trademark, copyright, or other classification on original works for which it exclusively owns intellectual property rights. If the District has intellectual property rights in a jointly owned work, the District may enter into an agreement with the joint owners concerning payment of such costs.

G. Commercialization of Intellectual Property:

1. Right of Commercialization. The District may commercialize its Intellectual Property using its resources or it may enter into agreements with others to commercialize the work as authorized by law.
2. Distribution of Proceeds. An employee who creates a work and retains an intellectual property interest in such work in which the District maintains intellectual property rights is entitled to share in royalties, licenses, and any other payments from commercialization of the work in accordance with applicable agreements and applicable laws. All expenses incurred by the District in protecting and promoting the work including costs incurred in seeking patent or copyright protection and reasonable costs of marketing the work, shall be deducted and reimbursed to the District pursuant to their written agreement.
3. Intellectual Property Account. The District shall deposit all net proceeds from commercialization of intellectual property in its own general intellectual property account. The Vice President, Administrative Services, may use the account to reimburse expenses related to creating or preserving the District's intellectual property rights or for any other purpose authorized by law and District policy including the development of intellectual property.



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

References: 17 USC 101 et seq.; 35 USC 101 et seq.; and 37 CFR 1.1 et seq.  
May 12, 2009

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 9/2/21	30 Day; 9/10/21	SM; 10/14/21	DGS; n/a	Board; n/a

**COMPUTER AND NETWORK USE**

Employees and students who use District computers and networks and the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others.

The Superintendent/President 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. In addition, the liability of insurance protection of the District shall not extend to employees who are judged guilty by a court of law having violated copyright laws.

See Administrative Procedures 3720.

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 9/2/21	30 Day; 9/10/21	SM; 10/14/21	DGS; 10/26/21	Board; 11/8/21; 12/13/21

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

Originally adopted as Board Policies 3090 and 8021 on April 17, 1989  
 Adopted: April 9, 2007

COMPUTER AND NETWORK USE: RESPONSIBLE USE OF INFORMATION TECHNOLOGY

Access to modern Information Technology (IT) Systems is essential to the ~~d~~**District's** mission of providing students, faculty and staff with educational services of the highest quality. The pursuit and achievement of the ~~college's~~ **District's** missions and goals require that the privilege of using computing systems and software, internal and external data networks, as well as access to the World Wide Web, be made available to the entire ~~campus~~ **District** community. The preservation of that privilege for the full community requires that each individual user comply with institutional and external policies for appropriate use.

To assist in the preservation of that privilege, this IT Systems policy will supplement applicable ~~COS~~ **District** policies, including sexual harassment, copyright, and student and employee disciplinary policies, as well as applicable federal and state laws.

**1. General Principles**

- 1.1 Information technology provides an important means for both public and private communication. Users and system administrators will respect the privacy of person-to-person communications in all forms, which includes telephone, electronic mail and file transfers, graphics and television to the fullest extent possible under applicable law and policy.
- 1.2 The principle of academic freedom will apply to public communication in all these forms. Specifically, ~~College of the Sequoias~~ **the District** respects freedom of expression in electronic communications on its computing and networking systems. Although this electronic speech has broad protections, all users are expected to use the information technology facilities considerately with the understanding that the electronic dissemination of information, particularly on the computing and networking systems, makes it accessible to a broad and diverse audience. ~~College of the Sequoias~~ **The District** expects all users to respect principles of equality, civility and liberty in their communications.
- 1.3 In the normal course of system maintenance, both preventive and troubleshooting, staff members operating the computer systems may be required to view files. Staff are required to maintain the confidentiality and privacy of information in such files unless otherwise required by law or district policy.

- 1.4 **COS The District** recognizes and acknowledges employee incidental use of its computing and network resources within the guidelines for incidental use noted in User Rights and Responsibilities.
- 1.5 Other than publicly designated official college **District** sites, **COS the District** does not generally monitor or restrict content residing on campus **District** systems or transported across its networks. However, if there is reasonable cause to believe that a user has violated this responsible use policy, state or federal laws, or contractual obligations, the college **District** reserves the right to take any of the following actions:
- 1.5.1 To have staff access to computer systems and networks including individual login sessions
  - 1.5.2 To limit an individual's access to its networks
  - 1.5.3 To remove or limit access to college **District** computers and/or materials posted on college **District** computers.

### **User Rights and Responsibilities**

- 1.6 **Privacy:** Each user has a right to privacy and must respect the privacy and integrity of other computer users. No user should view, copy, alter or destroy another's personal electronic files without permissions (unless authorized or required to do so by law or policy).

Users are prohibited from using computing resources to monitor electronic communications except in the case of open forums that expect, allow and encourage monitoring. However, all users should be aware that computer files are distributed on a public network which cannot guarantee absolute privacy or security.

- 1.7 **Software:** Most software that the district provides for its students, employees, and other users is protected by copyright and other laws, together with licenses and other contractual agreements. Users are required to respect and abide by the terms and conditions of software use and redistribution licenses.

All college **District** business will be conducted using legally licensed software. Divisions, departments, and programs are required to maintain documentation regarding purchases of software and to conduct self-audits to assure continued compliance with applicable agreements.

Employees who knowingly and/or intentionally make, acquire or use illegal copies of computer software shall be considered to be acting outside the scope of their employment.

- 1.8 **Harassment, Defamation:** As in other aspects of behavior in campus life, civility is expected at all times. No user should, under any circumstance, use campus **District** computers or the college **District** network to harass any other person. Similarly, users may not use computing resources to

defame, slander, or libel.

- 1.9 **Security:** The College **District** attempts to provide secure and reliable information technology services. However, security and confidentiality cannot be guaranteed. Users have a responsibility to assist in maintaining as secure environment as possible by keeping “passwords” and “user names” confidential at all times.
- 1.10 **Incidental Use:** Incidental use of computing resources at ~~EOS~~ **the District** is an exception to the general prohibition against the use of ~~college~~ **District** equipment for anything other than official business.

The parameters of this exception are:

- 1.10.1** the incidental personal use of computing resources facilitates the user’s proficiency; or
- 1.10.2** there is only a nominal cost to the ~~college~~ **District**; or
- 1.10.3** an analogy can be made to incidental use of telephones; or
- 1.10.4** an analogy can be made to personal use of library resources.

Incidental personal use **must not:**

- 1.10.5** result in financial gain for the user;
- 1.10.6** be for business purposes where the business is owned by the employee or the work is done for another business (including consulting, for which faculty/staff who do extensive paid consulting are expected to obtain services through another internet provider);
- 1.10.7** interfere with assigned job responsibilities; or  
be in violation of existing security/access rules.

- 1.11 **Specific Proscriptions on Use:** The following categories of use are inappropriate and prohibited:

**1.11.1 Use that impedes, interferes with, impairs, or otherwise causes harm to the activities of others.** Users must not deny or interfere with service in any way, including by “resource hogging,” misuse of mailing lists, propagating “chain letters” or virus hoaxes, “spamming” (spreading email or postings widely and without good purpose), or bombing (flooding an individual, group, or system with numerous or large email messages). Knowing or reckless distribution of unwanted mail or other unwanted messages is prohibited. Other behavior that may cause excessive network traffic or computing load is also prohibited.

**1.11.2 Use that compromises system data.** Users must not attempt to compromise student/employee data in the district ERP system. Knowingly tampering or defacing any pages or functionality of the district Web presence is prohibited as well as tampering with equipment, removal of equipment or attaching devices without

consent of the Dean, Technology Services.

**1.11.2 Use that is inconsistent with COS's the District's non-profit status.** ~~COS~~ 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, and similar matters. As a result, commercial use of IT Systems for non-~~COS~~ District purposes is generally prohibited, except if specifically authorized and permitted under ~~COS~~ District conflict-of-interest, outside employment, and other related policies. Prohibited commercial use does not include communications and exchange of data that furthers the University's District's educational, administrative, and other roles, regardless of whether it has an incidental financial or other benefit to an external organization.

## **2. System Administrator Rights and Responsibilities**

System administrators are those individuals who directly support the integrity and operations of computing systems. As users of the system they administer, they have the same rights and responsibilities as any other user of the system including respect for the privacy of other users' information. In addition, they have a primary responsibility ensure the availability, usefulness, integrity and security of the systems they manage. In this capacity their rights exceed those of other users of the systems. They generally have access rights that allow them the ability to read, write, or execute any/all files on the system(s) under their purview. Because of this, the professional ethics of system administrators must be at the highest level and their professional ethical conduct must be beyond reproach. The following itemizes specific rights and responsibilities of the system administrator.

**2.1 Adequate Hardware and Software:** Before any server is installed and placed on the ~~campus~~ District network, the system administrator should ascertain that the machine is in an appropriate state to be placed on a shared network. The system administrator should also ascertain that the resource requirements (hardware and software) and system management requirements (people) for both current and future needs are either in place or planned for, to keep the machine in "top running order".

**2.2 Legal Licensing:** The system administrator must ensure that hardware and software products are installed consistent with license agreements.

**2.3 Monitoring:** The system administrator monitors for performance and capacity planning. The system administrator monitors to ensure that the system resources are not being misused. Multi-user systems are by definition and design shared resources. One user can either intentionally or inadvertently take over the system thereby rendering the resources unavailable for others. The system administrator is responsible for monitoring and interceding where needed to prevent misuse or misappropriation of system resources.

**2.4 Security Alerts and Updates:** The system administrator is responsible for monitoring sources of system alerts and for applying operating system and software product “patches” and security upgrades in a timely manner.

**2.5 Precautionary Scans:** System administrators must take precautions to safeguard systems against corruption, compromise or destruction. This includes performing scans, for diagnostic problem resolution purposes, of the systems they maintain or assessing network traffic into or out of systems they maintain.

**2.6 Confidentiality and Privacy of User Files:** In the course of carrying out their duties, the system administrator must avoid viewing the contents of a user’s files or messages. If such content becomes known to the system administrator, it should be treated as confidential and private.

**2.7 Security Breaches:** If the system administrator, in the performance of duties, uncovers information that indicates a breach of security has occurred, the system administrator must take action. System administrators cannot capriciously shut down user accounts, services, or systems. However, in those instances where a security incident is suspected that will endanger the security and integrity of both the system and the files and data of others, the system administrator may shut down specific accounts or close access to services or systems that appear to be associated with the problem. These may include possible perpetrators as well as victims of the security breach. Immediately after such an action, the system administrator should notify his or her supervisor and initiate appropriate review processes to follow up on such an action.

**2.8 Policy Violations and Criminal Activity:** If the system administrator, in the performance of duties, uncovers information that an individual is acting inconsistent with this policy or discovers evidence of criminal activity, the system administrator must report such findings to the appropriate authority.

### **3. Use of Email**

#### **3.1 Appropriate Use of Email**

##### **3.1.1 Email and other IT systems can be used for:**

- In support of teaching, research, public service, and administrative functions that support the mission of the college **District**;
- In support of developing an atmosphere of collegiality and good will among employees of the district.

#### **3.2 Proscriptions on use of Email**

##### **3.2.1 Email, and other IT Systems, cannot be used in any way that:**

- Impedes, interferes with, impairs, or otherwise causes harm to the activities of others
- Is inconsistent with ~~College of the Sequoias'~~ **the District's** public higher education institution status
- Is harassing or threatening
- Uses profanity, vulgarity, racist, discriminatory, rude, derogatory, defamatory, or any language that would be offensive to others in the workplace
- Is damaging to the integrity of District or other IT systems
- Is in violation of civil or criminal law at the federal, state, or local levels
- Is in violation of District contractual obligations such as CENIC acceptable use policy

### **3.3 General Email use guidelines**

**3.3.1** All communications are subject to the California Public Records Act. By law there is no right to personal privacy while using district resources.

**3.3.2** The District maintains a directory of employee business email addresses and phone numbers which is available to all staff for work/business-related communications. These directories are updated bi- annually.

**3.3.3** District wide communications through COS eNews must be authorized through the Superintendent's office. Use of non-district-wide mass communications lists for business-related purposes is authorized for all District employees.

**3.3.4** Often times, employees want to share non-work-related exchanges with co-workers. Our online communications system offers an electronic bulletin board called "The Water Cooler". This is the system where employees can share appropriate personal views and news with co-workers. This system is voluntary and must comply with all of the proscriptions on email use in section 3.2.1.

## **4. Sanctions and Reporting of Policy Violations**

**4.1** Violators of this policy are subject to the current student or employee disciplinary procedures and sanctions. Sanctions may include the reduction or loss of computing privileges. Illegal acts involving ~~College of the Sequoias~~ **District** computing and networking resources may also subject users to prosecution by state and federal authorities.

~~College~~ **District** employees learning of misuse of IT resources shall notify the appropriate supervisor, system manager, division or department manager, or area vice president.



Board Review: May 13, 2013

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
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**WEBSITE**

College of the Sequoias **Community College District (“District”)** supports and encourages the use of the Internet for information sharing and collaboration. The Superintendent/President, or designee, shall ensure that there is clear guidance for the creation and maintenance of a robust web presence as a part of the District’s ongoing effort for institutional improvement and effectiveness. The District website pages will have a consistent design to promote ease of navigation and a user-friendly environment and comply with fair use guidelines. The District will work collaboratively with faculty, staff, and students to ensure that all pages follow best practices for webpage accessibility and design. Each page will comply with District guidelines for accessibility. Only official District websites will carry the “COS.EDU” domain and be eligible for District or Grant funds.

COS **District** employees who create, operate and/or maintain unauthorized or non-sanctioned COS **District** websites may be held personally liable for any criminal and/or civil violations of the law that may arise from such websites.

Reference:

- Education Code Section 70902
- USC Code Title 17 Section 101 et seq
- Penal Code Section 502
- California Constitution Article 1 Section 1
- California Government Code Section 3543.1(b)
- California Government Code Section 11135
- Rehabilitation Act of 1973 Section 508

Adopted: June 19, 2013

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
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WEBSITE:

**Purpose and Mission**

The purpose of the ~~College of the Sequoias~~ **Community College District (COS)** ("**District**") Web presence is to enhance access to and accessibility of information about the ~~College's~~ **District's** mission, academic, career and technical education programs, course offerings, specially funded programs, and student services. The ~~college~~ **District** is committed to monitoring its Web pages to ensure consistency and compliance with the legal requirements regarding Fair Use and Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations as set forth in Part 4 of Title 3 of the Federal Code of Regulations. All ~~COS~~ **District** Web pages shall promote an image of integrity, professionalism and quality. The primary site and departmental sites within the primary site will have a consistent design to promote ease of navigation and a user-friendly environment.

**Governance**

With the goal of projecting an image of ~~COS~~ **the District** as a leader in higher education, the ~~Public Information Office~~ **Manager, Marketing and Public Relations** and the Dean of Technology reviews the current and future state of COS's ~~the~~ **District's** Web presence. Following the procedures detailed in AP 2410, the **Manager, Marketing and Public Relations** and the Dean of Technology will serve as the primary contact for any and makes recommendations for plans, policies and procedures to the Senior Management Team for use and implementation of **related to** the ~~College's~~ **District's** Website. **The Manager, Marketing and Public Relations** and **the Dean of Technology** will submit suggested recommendations to the Senior Management Team for their review and discussion.

**Home Page**

The ~~College~~ **District** home page is the official portal to the COS **District** Website. The ~~Public Information Office~~ **Manager, Marketing and Public Relations** makes recommendations on the design of the home page, which includes, but is not limited to, the look and feel of the page, as well as the placement of links and advertisements. The ~~Public Information Officer~~ **Manager, Marketing and Public Relations** oversees the content of the ~~COS~~ **District** home page and, in collaboration with the Webmaster, makes or recommends the appropriate content changes on the home page.

The ~~College~~ **District** Webmaster is a professional IT staff member responsible for designing, developing, and/or maintaining the ~~COS~~ **District** Website. The Webmaster oversees implementation of Web policy and is the ~~College~~ **District** Web architect, coordinating ~~college~~ **District** Web publishing.

## **Types of Sites**

All sites and Web pages must adhere to the policies set forth in the copyright, Web accessibility, as well as to the commercial use sections referenced in these policies. **EOS The District** provides Web space and Web authoring tools (see 4C guidelines on IT software) for all members of the college **District** community, as well as for student clubs and organizations. The College **District** encourages creative and responsible expression on the Web. Websites are categorized as follows:

1. Course Websites
2. Department Websites
3. Faculty or Personal Websites
4. Student Clubs Organizations
5. Non-conforming Websites

In all cases above, the sites shall be subject to the policies stated herein.

## **Course Websites**

Faculty are encouraged to use ~~Blackboard~~ the **District's Learning Management System (LMS) Canvas** (or another course management system utilizing a student authentication feature) to support their face-to-face and online courses. The **EOS District's** Distance Education Coordinator (DEC) and ~~Computer~~ **Technology Services** support faculty use of ~~Blackboard~~ **Canvas the LMS**.

Faculty may want to develop a general course website to provide students with course information. Web pages and Websites associated with a course are controlled by the faculty member who teaches the course. Students may use a course Website to enhance their learning efforts and to explore the Internet, as may be needed to participate in the college's **District's** academic, career and technical programs. Guidelines on the development and maintenance of course Websites are provided below:

1. The faculty member will adhere to AP 4105 Distance Education.
2. The faculty member will not load and display student work without student consent.
3. The faculty member will monitor the students' use of the Website to ensure that they are following standard guidelines for system usage and communications.
4. The faculty member works in cooperation with the Distance Education Coordinator and the Webmaster to ensure that the site does not negatively affect the overall security and performance of the college **District** network.
5. The faculty member will ensure that the contents of the sites are within the guidelines set forth below, and do not contain any material that may be considered offensive or inappropriate to the college's **District's** site.
6. Students are obliged to adhere to the laws of copyright and the policies stated below. Students are strictly forbidden to obtain and install on the Website any music/video or music/video duplication from sources outside **EOS the District** without previous approval of the publishing source. Such material found on any course Website will be removed without notice. Disciplinary measures, including individual expulsion, may be imposed upon any student violating this

policy.

7. The faculty shall review student Web pages and/or sites prior to posting of student material or review student posted materials within ten days of posting.

~~COB~~ **The District** agrees that student work is the property of the student, and makes no claim to the contents of student work. The use of course Websites provided for student classroom support is short-term. At the end of a class period, such as the end of a semester or teaching cycle, the material is removed from the server, and access to the server for individual students is also removed.

### **Department Websites**

The college **District** encourages all student services, academic and administrative departments to establish and maintain a Web presence. A staff member shall be designated as responsible for maintaining and updating the department Website. All departments must conform to the official ~~COB~~ **District** Website design, with the exception of those sites approved under the non-conforming site section. The Content Management System (CMS) is available for all departments.

The departmental home page is the opening or main entrance to a department/office Website and the department Website is a collection of Web pages including the home page. These pages must conform to the official College **District** Website design.

### **Faculty or Personal Websites**

Faculty or personal Websites are developed and maintained by individuals within the college **District** community for purposes of self-expression, communication and information related to their work at the College **District**.

The contents of faculty or personal Websites are the sole responsibility of the individual. The college **District** maintains licensed Web development tools (SharePoint designer) for creating faculty or personal Websites.

### **Student Clubs and Organizations**

Official student clubs and organizations are permitted to create Websites to provide information about their programs, services, and events. Association of the Student Body (ASB) has approval procedures for student clubs and organizations that wish to have a web presence. When an organization is no longer registered with ASB, the organization's Website will be removed. The contents of student club and organization Websites are the sole responsibility of the individual club or organization.

Each student club or organization Website must contain contact information, including that of the advisor. Each Website must also have a faculty sponsor who, in collaboration with the ASB office, is responsible for reviewing and approving the content of the organization's pages. Student clubs or organizations must complete the ~~COB~~ **District** Student Organization Web Account application. This application may be submitted via email. It is important to maintain a valid contact name, as the responsibility of maintaining these sites changes every semester.

## Other Websites

The Public Information Office **Manager, Marketing and Public Relations** and the Dean of Technology in coordination with Senior Management, has the responsibility of reviewing and approving requests for a non-conforming Website. Examples of non-conforming Websites include third-party applications Websites or pages. These sites are the sole responsibility of the owner. These applications will be pointed to as external pages.

In the event that a department is approved to create a truly unique Website without using the official, approved template(s), the department will take full responsibility for its creation, accessibility to persons with disabilities, and maintenance. However, certain critical elements must be present, including but not limited to the following:

1. Web pages must contain a link to return to the main COS **District** home page.
2. Web pages must contain the date of the last revision of the page.
3. To ensure the most up-to-date information, Web pages that provide users with information on course offerings or descriptions should provide links to the online schedule and catalog information, rather than duplicating it.
4. Materials on the Websites will comply with the recommendations contained in the most recent version of "Distance Education: Access Guidelines for Students with Disabilities," provided by the State Chancellor's Office ([http://www.htctu.fhda.edu/publications/guidelines/distance\\_ed/disted.htm](http://www.htctu.fhda.edu/publications/guidelines/distance_ed/disted.htm)).
5. Web pages will include the following link at the bottom of the page: *Report Accessibility Issues to Webmaster (this link will send an email to the Webmaster)*.

## User Access and Privileges

- Members of the COS **District** community who wish to develop and publish a Website are responsible for maintaining the integrity of the site and must conform to the Web publishing guidelines and policy.
- Departments interested in developing and publishing a Website will designate a faculty or staff member who will hold primary responsibility for the department's page. Departments are responsible for providing the Webmaster with an end date for user access and privileges and for notifying the Webmaster of the end date.
- Individuals who are assigned the responsibility of creating Web pages or Websites for a department or office must first be authorized by their department head or supervisor. These individuals will play the role of Web publisher/editor.
- COS **District** students, faculty and staff members must read and agree to the terms and conditions contained within the COS **District** computer use policy (BP 3720).
- Users uploading content and graphics to a COS **District** Web page are responsible for ensuring that copyrights are respected and accessibility guidelines are followed.

## Content:

COS The **District** intends to provide accurate, timely, and unbiased information. However, the College **District** cannot guarantee the currency, accuracy, or quality of

information stored on its systems. Furthermore, the College District cannot accept responsibility for the information listed on or archived in other systems to which links from the College District systems may point.

Such links are provided as a convenience, and do not imply endorsement by the College District. COS The District reserves the right to reject or remove from any COS District Web server materials that are outdated, erroneous or misleading, illegal, unethical, or detrimental to the mission and operations of the College District.

Comments, suggestions, and corrections regarding information on the site are welcome. Please email the District Webmaster and include the full Web address (URL) of the page(s) you reference.

### **Web Accessibility**

COS The District is committed to web accessibility for persons with disability, as evidenced by Administrative Procedure 5141. All COS District web pages will adhere to the standards mandated by Section 508 of the Rehabilitation Act of 1973.

All web pages must include the following link at the bottom of the page:  
*Report Accessibility Issues to Webmaster (this link will send an email to the webmaster).*

When an accessibility issue is reported, corrective actions will be taken in a timely manner.

Accessibility guidelines, such as those listed below are included in College District Web development training and workshops.

### **Accessibility Resources**

- World Wide Web Consortium - Web Accessibility Initiative
- Access Board's Guide to Section 508
- Distance Education Access Guidelines for Students with Disabilities
- COS District Accessible Media – Website Accessibility webpages
- COS District Distance Education and Website Accessibility Checklist

### **Copyright**

With appropriate notice, individual College District employees and students may retain copyright of their creative work, which would be considered that individual's intellectual property.

The copyright of any other content, including commissioned work, residing on the COS District servers and infrastructure belong to the College District.

In cases where a COS District Web page contains references to, or incorporates material of any kind remote from COS District and copyrighted by others not related to COS District, the following procedures must be observed:

1. Permission to use the material must be obtained in writing from the copyright

source and filed with the Webmaster. This requirement for permission does not apply to information linked to another site.

2. A copyright notice must be included in any location on a COS **District** Website where this material is displayed.

### **Commercial Use of Website**

The COS **District** Website is maintained as an information source and as a communication medium exclusive to COS **District** students, faculty and staff. It does not provide a commercial presence; it does not solicit any product or service of a commercial nature, or the services of individuals or any other for-profit or for-marketing entity. Advertising for non- college **District** ventures is not permitted. College of the Sequoias **The District** Web Presence adheres to the Corporation for Education Network Initiatives in California (CENIC) Acceptable Use Policy.

### **Review of Website Contents**

Academic, student services and administrative departments that have a Website on the College **District** server will maintain it by periodically inspecting the sites and pages to ensure that the information is up-to-date, accurate, and compliant with Section 508 recommendations and the COS **District** Website Policy. Faculty will maintain their individual Web pages. Faculty and division chairs needing assistance in maintaining or updating their Web pages may contact the Webmaster.

All college **District** Websites/pages are subject to review by the ~~Public Information-Office~~ **Manager, Marketing and Public Relations** and/or the Dean of Technology. If changes are required, a report will be made to the division chair or department manager upon completion of the review. Those departments with Web pages that do not adhere to the guidelines and policies will be given a set deadline to make the changes. If left uncorrected past the deadline, the site/pages and links to pages will be removed.

When a student club or organization is no longer registered with Student Affairs, the organization's Web presence will be removed.

Adjunct faculty or personal Websites/pages will be removed by the Webmaster when notified by the division chair or manager.

Should the responsible parties wish to appeal a correction notice or removal of site contents, they may submit such an appeal in writing to the Dean of Technology Services for referral to Senior Management. Senior Management will review the pertinent facts and return a decision, which may include instructions for modification of the site. Such review and instructions will occur in a timely manner. Should the responsible parties wish to appeal the decision and/or directions of Senior Management, they may submit an appeal in writing to the Superintendent/President who has final authority.

### **Disclaimer**

COS **The District** makes reasonable effort to ensure that the content of servers provided by the college **District** is used in the best interests of the college and its programs, and is not intentionally offensive to the average user. However, COS **the**



**District** accepts no responsibility for the use of the Internet by individuals for any purpose that can be construed as abusive, profane, harassing, or sexually offensive to the average person. Any infringement of copyright laws and any posting of obscene, harassing, or threatening materials on the ~~CCS~~ **District** Web site are prohibited, and may subject the author to investigation of local, state, national, and international laws and litigation, and to district disciplinary action, up to and including expulsion (student) or termination (employee).

The following disclaimer must appear on all personal Web pages:

*“The views and opinions expressed in these pages are strictly those of [the page author]. The content of these pages has not been reviewed or approved by ~~CCS~~ **the District**.”*

### **Privacy Information provided to ~~CCS~~ **the District****

~~CCS~~ **The District** respects the privacy of every individual who visits our Website, requests information, or responds to the District’s promotions. ~~CCS~~ **The District** will not collect any personally identifiable information, such as names, addresses, telephone numbers, or email addresses unless provided by users voluntarily. ~~CCS~~ **The District** collects provided information for the following purposes, unless otherwise stated:

- The ~~College~~ **District** will use it to contact individuals and respond to requests for information.
- The ~~College~~ **District** may store and process the information to better understand individuals’ needs and to ascertain how the ~~college~~ **District** can improve its Website and services.
- The ~~College~~ **District** will not give or sell individual information to an outside company for use in marketing or solicitation.
- The ~~College~~ **District** will maintain the confidentiality of personal information.

### **Information Collected Automatically**

In addition to the information provided to ~~CCS~~ **the District** when users request information, the ~~College~~ **District** may automatically collect information about users that is not personally identifiable. Examples of this type of information include:

- The computer's Internet browser, operating system, and IP address.
- The navigation path, including the domain name of the Website that linked to the ~~CCS~~ **District** site and which site pages were visited.
- When viewing a ~~CCS~~ **District** Website, cookies may be stored on the user’s computer. However, these cookies will not be used to collect personal information about the user. Questions regarding this privacy policy should be emailed to the ~~PIO office~~ **Manager, Marketing and Public Relations**.

### **Related Policies and Laws**

- Digital Millennium Copyright Act
- Using Information Technology Resources at ~~College of the Sequoias~~ **CCD** [BP 3720]
- ~~CCS~~ **District** Security Policy [AP 3720]
- ~~CCS~~ **District** Intellectual Property Policy [BP 3715]

- SharePoint Governance Plan
- Section 508 of the Rehabilitation Act of 1973
- California Government Code: Section 11135

**Definitions**

The College **District** Webmaster is a professional IT staff member responsible for designing, developing, and/or maintaining the COS **District** Website. The Webmaster oversees implementation of Web policy and is the College **District** Web architect, coordinating College **District** Web publishing.

Board Approved: June 19, 2013

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 9/2/21	30 Day; 9/10/21	SM; 10/14/21	DGS; n/a	Board; n/a

USE OF COPYRIGHTED MATERIALS

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

A. Fair Use: Reference: Copyright Act, Section 107.

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

B. Single Copying for Teachers

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

1. A chapter from a book
2. An article from a periodical or newspaper
3. A short story, short essay or short poem, whether or not from a collective work
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper

C. Multiple Copies for Classroom Use

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

1. The copying meets the tests of brevity and spontaneity as defined below; and
2. Meets the cumulative effect test as defined below; and
3. Each copy includes a notice of copyright

D. Definitions:

1. Brevity:

(a) Poetry: (1) A complete poem if less than 250 words and if printed on not more than two pages or (2) from a longer poem, an excerpt of not more than 250 words.

(b) Prose: (1) Either a complete article, story or essay of less than 2,500 words, or (2) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. (Each of the numerical limits stated in "B" and "C" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

(c) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

(d) "Special" works: Certain works in poetry, prose, or in "poetic prose" which often combine language with illustrations and which are intended sometimes for

children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "i" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

2. Spontaneity:

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

3. Cumulative Effect:

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

E. Prohibitions: Notwithstanding any of the above, the following shall be prohibited:

- 1. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
- 2. There shall be no copying of or from works intended to be "consumable" in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- 3. Copying shall not:
  - (a) substitute for the purchase of books, publisher's reprints or periodicals
  - (b) be directed by higher authority
  - (c) be repeated with respect to the same item by the same teacher from term to term.
- 4. No charge shall be made to the student beyond the actual cost of the photocopying.

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

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

G. Online Courses: Reference: The TEACH (Technology, Education and Copyright Harmonization) Act, USC 17, Copyright Act, Sections 110(2) and 112

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

1. The online instruction is mediated by an instructor who is obligated to provide regular and effective contact per Title 5 regulations.
2. The transmission of the material is limited to receipt by students enrolled in the course. Students must authenticate through **Blackboard the Learning Management System (LMS)** (~~or other course management system~~) to access materials. Only students officially enrolled in the course are permitted to access **Blackboard the LMS** materials.
3. Technical safeguards are used to prevent retention of the transmission for longer than the class session. ~~Blackboard~~ **LMS** courses are made available a week before the beginning of the semester and are made unavailable one week after the end of the semester.
4. The performance is either of a non-dramatic work or a “reasonable and limited portion” of any other work that is comparable to that displayed in a live classroom session. This requirement is similar to face-to-face classroom compliance requirements.
5. The work is not a textbook, course pack, or other material typically purchased or acquired by students for their independent use and retention, including commercial works that are sold or licensed for the purposes of digital distance education. This requirement is similar to face-to-face classroom compliance requirements.
6. The ~~e~~**District** does not know, or have reason to know, that the copy of the work was not lawfully made or acquired. This requirement is similar to face-to-face classroom compliance requirements.
7. The District notifies students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder. A notice has been placed on the Distance Education website, linked from the ~~COS~~ **District** home page. A notice will be placed on the ~~new Bb~~ **LMS** login page.

H . Obtaining Permission to Use Copyrighted Material:

1. Employees submitting a work order to copy materials are required to sign a statement (Use of Copyright Materials form) acknowledging that the request is in compliance with all applicable copyright laws and attaching copyright permission where appropriate.
2. Faculty members requesting that self-assembled materials (such as syllabi) be approved for sale in the Bookstore are required to sign a statement (Use of Copyright Materials form) that the request is in compliance with all applicable copyright laws and to attach copyright permission where appropriate.
3. It is the sole responsibility of the faculty and/or staff member requesting the copies to ensure materials meet copyright standards. Materials submitted for

copying or sale that do not include necessary copyright permission will be returned to the originator. Employees needing assistance with obtaining copyright permission should contact the office of their supervising Vice President.

4. Employees unsure as to whether they are violating copyright law will be directed to the U.S. Copyright Office's website at <http://www.loc.gov/copyright>.

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

Forms: ~~Use of Copyrighted Materials (to be created)~~

May 12, 2009

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 9/2/21	30 Day; 9/10/21	SM; 10/14/21	DGS; n/a	Board; n/a

**CLAIMS AGAINST THE DISTRICT**

Any and all claims for money or damages against the ~~College of the Sequoias~~ Community College District (**“District”**) must be presented to and acted upon in accordance with Governing Board policy, administrative regulation, and 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. Compliance with ~~d~~**D**istrict procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in the Government Code.

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(s) for service of claims, lawsuits or other types of legal process upon the District is the Office of the Vice President, Administrative Services.**

The Board delegates to the Superintendent/President the authority to take action on claims of under \$50,000. (Government Code 935.4)

See Administrative Procedure 3810.

Ref.: Educ. Code Section 72502; Govt. Code Sections 900 et seq.  
 Adopted: April 9, 2007

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 9/2/21	30 Day; 9/10/21	SM; 10/14/21	DGS; 10/26/21	Board; 11/8/21; 12/13/21

CLAIMS AGAINST THE DISTRICT

The ~~College~~ **District** carries insurance to cover claims against the District (See Board Policy 6540 - Insurance).

Persons or parties who are alleging that they have been injured by circumstances on ~~the college~~ **a District** site, or by ~~college~~ **District** employees, physical conditions on the District's sites or other alleged losses must fill out a College of the Sequoias Community College District Claim Form E-3320 ("Claim").

1. The Claim must be filed with the District within six months (if there is a death, injury or personal property claim). Claims other than the above must be filed within one year of the alleged event. (Gov Code Sec 911.2)
2. The Claim must be filled out on the form provided on the ~~College of the Sequoias~~ **District** website or on a printed copy of the form that may be obtained from the office of the Vice President of Administrative Services. Claims that are not made on the E-3320 form will be rejected.
3. The form must contain all the information requested.
4. The form must be mailed or hand carried to: ~~College of the Sequoias~~ **Community College District**. (If mailing, it is recommended that the claimant send the form by Certified Mail - Return Receipt Requested, and keep the receipt.) Mailing Address: ~~College of the Sequoias~~ **Community College District**, Vice President of Administrative Services, 915 South Mooney Boulevard, Visalia CA 93277
5. The Claims, when received by the District, will be date stamped and forwarded to the JPA Claims Administrator.
6. The Claim form will be agendized on the next Board of Trustees board meeting for recommended action based on recommendations of liability carrier.
7. The Board of Trustees will take action to reject or approve the claim and refer it to the District's liability carrier for action.
8. The Claim will then be forwarded to the liability carrier currently under contract with ~~College of the Sequoias~~ **the District** to provide coverage if appropriate for the claim.
9. The liability carrier will make all decisions relative to honoring the claim, mitigating the costs, or litigation as it deems appropriate.



Note: Education Code Section 81602 specifically authorizes a district to contract for investigative, administrative and claims adjustment services. The contract may provide that the contracting firm may reject, settle, compromise and approve claims within limits and for amounts specified by the board, including execution and issuing of checks in payment of such claims. The contract may also provide that the contracting firm may employ counsel.

Reference: Education Code Sections 70902; 72502; 72506; 81602, 81601 et seq.  
(Gov Code Sec 911.2)

September 22, 2009

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 9/2/21	30 Day; 9/10/21	SM; 10/14/21	DGS; n/a	Board; n/a