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**Kern Community College District**  
**Board Policy**  
Chapter 3 – General Institution

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**BP 3600**     **Auxiliary Organizations**

Auxiliary organizations are entities whose purpose is to provide services to the Colleges or District identified in Title 5.

The District Chancellor shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the Chancellor for the California Community Colleges as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

They may be formed by the Board of Trustees pursuant to the Education Code, California Administrative Code, Title 5, and Board of Trustees-approved implementing regulations and shall require:

That a recommendation is submitted to the Board of Trustees by the Chancellor when the organization serve the District; or by the Chancellor on behalf of a College President when the organization will primarily serve a particular College;

Prior to the recognition of an Auxiliary Organization, a public hearing on the recommendation will be held at a time, place, and in the manner determined by the Board of Trustees;

The approval of the establishment of the Auxiliary Organization by Board of Trustees. Approval by the Board of Trustees shall include a designation of the recognized services, programs, and functions and an identification of the number and category or categories of members of the Board of Directors of the Auxiliary Organization; and

The approval of a written agreement between the District and the auxiliary organization under which one (1) or more of the services, programs, or functions are to be performed.

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

- *the composition of a board of directors and the way in which it conducts its meetings;*
- *conducting an annual audit;*

- *employing its work force;*
- *expending and appropriating its funds and keeping its records.*

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

Each Auxiliary Organization may occupy, operate and use District facilities and property at its respective College site separately or jointly with the District.

The Auxiliary Organizations shall use the facilities and property only for those services and functions which are consistent with the policies, rules, and regulations, which have been or may be adopted by the Board of Trustees of the Kern Community College District.

The right to use any of the District facilities or equipment shall cease upon written notice by the District Chancellor that the facilities are needed for the exclusive use of the District.

An independent certified public accounting firm will be retained and approved by District Chief Financial Officer to audit the Auxiliary Organizations. The costs of the additional services will be paid by the Auxiliary Organizations.

The Auxiliary Organizations shall be included in the District's insurance policies for all regular functions. When special events are sponsored by an Auxiliary Organization, separate insurance coverage may be required by the District.

The Auxiliary Organizations shall not enter into any transaction concerning real property without the prior approval of the Board of Trustees.

The Auxiliary Organizations shall not permit anyone else to use the District facilities or any part thereof without written permission of the Board of Trustees or designee without written approval.