BP 5010 Admissions

Reference:

***Education Code Section 76000;* 76001, and 76002;**
Labor Code Section 3077
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 C.F.R. § 668.16 (p).

The District shall admit students who meet one of the following requirements and who are capable of profiting from the instruction offered:

Any person over the age of 18 and possessing a high school diploma or its equivalent.

Other persons who are over the age of 18 years and who, in the judgment of the President/Superintendent of the College or designee are capable of profiting from the instruction offered. Such persons shall be admitted as provisional students, and thereafter shall be required to comply with the District's rules and regulations regarding scholastic achievement and other standards to be met by provisional or probationary students as a condition to being readmitted in any succeeding semester.

Persons who are apprentices as defined in Section 3077 of the Labor Code.
The District shall in its discretion, or as otherwise federally mandated, evaluate the validity of a student's high school completion. The Registrar, Vice President of Student Services, or designee, shall establish procedures for evaluating the validity of a student's high school completion.

Admission

Any student whose age or class level is equal to completed 10th grade is eligible to attend as a special part-time student for advanced scholastic or vocational courses.

- Any student whose age or class level is equal to completed 10th grade is eligible to attend as a special full-time student
- Any student who has completed the 10th grade may attend summer session.
- The Registrar and/or the Vice President of Student Services shall establish procedures regarding ability to benefit and the admission of students who have completed the 10th grade

Denial of Requests for Admission

- If the Board denies a request for special full time or part time enrollment by a pupil who is identified as highly gifted, the Board will record its findings and the reason for denying the request in writing within 60 days.
- The written recommendation and denial shall be issued at the next regularly scheduled board meeting that occurs at least 30 days after the pupil submits the request to the district.

  The Registrar and/or the Vice President of Student Services shall establish procedures regarding evaluation of requests for special full time or part time enrollment by a pupil who is identified as highly gifted.

Claims for State Apportionment for Concurrent Enrollment

- Claims for state apportionment submitted by the district based on enrollment of high school pupils shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors.

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- The Registrar and/or the Vice President of Student Services shall establish procedures regarding compliance with statutory and regulatory criteria for concurrent enrollment.

See Administrative Procedures #5010

Approved by the Board of Trustees: October 9, 2012

Approved by the Board of Trustees August 13, 2002

AP 5010 Admissions

Reference:

Education Code Section 76000
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 C.F.R. § 668.16(p)

Designated authority and responsibility for the admissions process is the Director of Admissions and Records.

Admission procedures for students over 18 with a high school diploma

Admission criteria and procedures for students over 18 without a high school diploma

Admission procedures for non-resident students that include a determination of residency status (AP 5015 titled Residence Determination)

- Publication of admissions policies and procedures

The College Registrar or designee shall establish procedures for evaluating the validity of a student's high school completion if the District of the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from and entity that provides secondary school education.

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Amended by the Board of Trustees: August 14, 2012

AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students

Reference:
Education Code Sections 48800; 48800.5; 76001 and 76602

Admission criteria and procedures for younger students enrolling the community college:

- Special part-time students
- Special full-time students
- Summer school students
- Agreements between school Districts(s) and the District
- Credit granted for courses
- Limits on the number of units for which special part-time students may enroll (see Education Code Section 76001.d for specific language)
- Procedures for denial of request for full-time enrollment, including time constraints (see Education Code Section 76001(b) for specific language)
- Procedures for recording board findings and reasons for denial of a request for admission by a student identified as highly gifted
- Procedures for assigning a low enrollment priority to special part-time or full-time students, except for students attending a middle college high school if the student is seeking to enroll in a course that is required for the student's middle college high school program, to ensure they do not displace regularly admitted students
- Procedures for maintaining records of enrollment of these students for apportionment purposes
- Procedures for ensuring that claims for state apportionment for K-12 students meet all of the following criteria:
  - The class is open to the general public
  - The class is advertised as open to the general public in one or more of the following:
    - ✓ The college catalog
    - ✓ The regular schedule of classes
    - ✓ An addenda to the catalog or schedule

If the decision to offer a class on a high school campus is made after publication of the District's regular schedule of classes, and the class is only advertised to the general public through electronic media, the class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.

If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.

If the class is a physical education class, no more that 10 percent of the enrollment of the class may consist of special part-time or full-time students.

To be considered for admittance as a special part-time student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001. Admission is subject to seat availability. The student must submit:

- District application for admission;
- Written and signed parental or guardian consent;

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- Written and signed approval of his or her principal (Note: a parent or guardian of a pupil who is not enrolled in a public or private school may petition directly without the signature of a principal. If home schooled, verification that the school is registered with the school district in which it operates must be provided,)
- Interview with a Gavilan College counselor:
- Complete a skill level assessment in math and English:
- Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:
- Demonstration that the student is capable of profiting from instruction. The Vice President of Student Services has the authority to make the final decision whether a student can benefit from instruction.

To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.05.
Admission is subject to seat availability. The student must submit:

- District application for admission;
- written and signed parental or guardian consent;
- Written and signed acknowledgment of his or her principal. (Note: a pupil who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her school principal. If home schooled, verification that the school is registered with the school district in which it operates must be provided,);
- Demonstration that the student is capable of profiting from instruction;
- Interview with a Gavilan College counselor:
- Complete a skill level assessment in math and English:
- Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:
- Written approval of the governing board of the school district of attendance. The Vice President of Student Services has the authority to make the final decision whether a student can benefit from instruction.

To be considered for admission as a special summer session student, the student must meet the eligibility standards as established in Education Code Section 76001. Registration in a summer sessions limited to 4 units.
The student must submit:

- Written and signed parental or guardian consent;
- Written and signed approval of his or her principal that the student has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school of attendance; and
- Demonstration that the student has adequate preparation in the disciplines to be studied.
- Interview with a Gavilan College counselor:
- Complete a skill level assessment in math and English:
- Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:
- All required documents shall be sent to the Vice President of Student Services.

<u>High School Students</u>

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For students attending high school, the Vice President of Student Services or Admissions and Records Registrar, counselor (or designee) will review the materials, and will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college. The decision of the VP of Student Services (or designee) shall be final. This determination may be done by one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with counseling staff, Registrar and/or VP of Student Services
- Consideration of the welfare and safety of the student and others; and/or
- Consideration of local, state and/or federal laws.

Middle and Lower School Students

- For students attending middle and lower schools, the determination shall be made by Vice President of Student Services (or designee). The school must provide transcripts and a letter signed by the principal indicating how in his or her opinion the student can benefit from instruction. The VP of Student Services (or designee) will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college, and that the student's safety and that of others will not be affected. The decision of the VP of Student Services (or designee) shall be final. Once a decision has been made, the student, his or her parent or guardian and the school principal shall be informed of the decision. This determination may be done by applying the following criteria one or more of the following options:
- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with counseling staff, Registrar, and/or VP of Student Services
- Consideration of the welfare and safety of the student and others;
- Consideration of local, state and/or federal laws;
- Review of the content of the class in terms of sensitivity and possible effects on the minor;
- Requirements for supervision of the minor; and/or
- Times the class(es) meet and the effect on the safety of the minor.
- These decisions will be made by the Vice President of Student Services or designee.

Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance. Courses in which high school and other young students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.

If a request for special part-time or full-time enrollment is denied for a pupil who has been identified as highly gifted, the Board shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admission and the denial shall be submitted to the Board at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted.

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AP 5012 International Students

Reference:

76141; 76142; Title 5, Section 54045;
Title 8, U.S.C. Section 1101. et seq.

Applicants with F-1 visas must submit the following documents to the Admissions and Records Office by June 15th for the fall semester an by October 15 for the spring:

1. A completed application form with photograph of applicant.
2. A $100 nonrefundable, onetime filing fee.
3. Official transcripts of secondary and post-secondary school work in English.
4. TOEFL (Test of English as a Foreign Language) scores. A score between 450 and 500 on the paper-based test and between 133 and 173 for the computer-based test is required for admittance to an English as a Second Language program. Placement in English 440 (Basic Writing) or English 420 (Reading Improvement) requires a paper-based test score of 501 to 550 or a computer-based test score of 173 to 213.
5. The financial statement, which indicates the student has the means to support his or her costs of attendance either from personal, family or governmental sources, plus a bank statement or proof thereof.
6. A photocopy of the I-20 or F-1 visa if issued by another school.

Health insurance is mandatory and must be purchased prior to applying at Gavilan College; or can be purchased from the Student Insurance International Student Plan available through Gavilan College.

Approved by the Board of Trustees August 13, 2002

AP 5013 Students in the Military

Reference:

Education Code Sections 68074, 68075, and 68075.5;
Title 5 Sections 55023, 55024, 54041, 54042, 54050, and 58620
Military and Veterans Code Section 824

Residence Determinations for Military Personnel and Dependents

A student who is a member of the armed forces of the United States stationed in California on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. Such student shall retain resident classification if he or she is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.

A parent who is a federal civil service employee and his or her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (*Title 5, Sections 54041; 54042)*

Withdrawal Policies for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW".

Military withdrawal shall not be counted in progress probation or dismissal calculations or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

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Students seeking withdrawal in this circumstance must do so through the Director of Admission and Records.

Reference: AP 4230 AP 4233

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BP 5015 Residence Determination

Reference:

Education Code Sections 68040; 76140; Title 5, Sections 54000, et seq.

Students shall be classified at the time of each application for admission or registration as a resident or nonresident student.

A resident is any person who has been a bona fide resident of California for at least one year and a day on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester, intersession or summer session for which the student applies to attend.

Residence classification shall be made for each student at the time application for admission is accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date.

The President of the College shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 regulations.

See Administrative Procedures #5015

Approved by the Board of Trustees August 13, 2002

AP 5015 Residence Determination

Reference:

Education Code Section 68000 et seq.; 68130.5
Title 5, Sections 54000 et seq.

Residence Classification.

Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Admissions and Records Office or the Registrar or designee
- Students must be notified of residence determination within 14 calendar days of submission of application.

1.

2. Rules Determining Residence

- A student who has resided in the state for more that one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a non-resident.

3. The residents of each student enrolled in our applying for enrollment in any class or classes maintained by the District shall be determined in accordance with the Education Code with states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen (18) years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with who an unmarried minor child maintains his/her place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her residence when both parents are deceased and a legal guardian has not be appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

4.

5.

6. Determination of Resident Status

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7. A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he or she has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate premajority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
    - He or she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
    - He or she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
    - He or she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
    - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more that one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California, or a community college, or any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside the state or retires as an active member of the armed forces of the United States, the student dependent shall not lose his or her resident classification.
- A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on

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military orders to a place outside this state, the student shall not lose his or her resident classification, so long as he or she remains continuously enrolled in the district.

- A student who was a member of the armed forces of the United States stationed in this state on active duty for more that one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.
- A student who is a minor and resides with his or her parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more that one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his or her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, co long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the tow preceding year, and the parent resides in the district and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he or she has sufficient income to have personal income tax liability, shall be entitled to resident classification.

8.

Right To Appeal

Students who have been classified as non-residents have the right to a review of their classification (Title 5, Section 54010 (a)). Any student, following a final decision of residence classification by the Admissions Office, may make written appeal to the Vice President of Student Services or designee within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure

The appeal is to be submitted to Admissions Office, which must forward it to the Vice President of Student Services or designee within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Vice President of Student Services or designee shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within 30 calendar days of receipt, the Vice President of Student Services or designee shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

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Reclassification

A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately proceeding the opening day of instruction for any session during which the student proposes to attend.

Petitions are to be submitted to the Admissions Office.

Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college District. (Education Code Section 68044)

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his or her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his or her parent during the calendar year the reclassification application is made;

9.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5, Sections 54020, 54022 and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one-year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Vice President of Student Services or designee will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

Students have the right to appeal according to the procedures above.

Non-Citizens

The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him or her to live permanently in the United States and she or he meets the California residency requirements, the student can be classified as a resident.

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Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not non-immigrants (including those who are undocumented) may be exempt from paying non-resident tuition if they meet the following requirements:

- High school attendance in California for three or more years;
- Graduation from a California high school or attainment of the equivalent thereof;
- Registration or enrollment in a course offered by any college in the district for any term commencing on or after January 2002;
- Completion of a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this non-resident tuition exemption and,

  In the case of a student without lawful immigration status:

- The filing of an affidavit that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. The Vice President of Student Services or designee makes final residency determination. Students may appeal the decision.

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BP 5020 Nonresident Tuition

Reference:

Education Code Sections 68050, 68051, 68052, 68130

Nonresident students shall be charged nonresident tuition for all units enrolled.

Not later than January 1 of each year, the President of the College shall bring to the Board for approval an action to establish nonresident tuition for the following fiscal year. The fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.

The President of the College shall establish procedures regarding collection, waiver, and refunds of nonresident tuition.

See Administrative Procedures #5020

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AP 5020 Non Resident Tuition

Reference:

Education Code Sections 68130.5 and 76140 et seq.
Title 5, Section 54045.5

- Exemptions, including:
  - Any students, other than non-immigrant aliens under 8 U.S.C. 1101(a)(15) who meet the following requirements:
    - ✓ High school attendance in California for three or more years;
    - ✓ Graduation from a California high school or attainment of the equivalent thereof;
    - ✓ Registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
    - ✓ Completion of a questionnaire form prescribed by the Chancellor verifying eligibility for this non-resident tuition exemption and
    - ✓ In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

A requirement that the nonresident tuition fee be set not later than February 1 of each year
A requirement that the calculation reflect the current expense of education calculated according to the Budget and Accounting Manual
Exemptions, if any, due to reciprocity with bordering states
Processing fees, if any, for international students
A requirement that the calculation include the expense of education in the preceding fiscal year
A requirement that the calculation reflect fees in contiguous Districts
A requirement that the calculation provide for students enrolled in more or less that 15 units per term

The Vice President of Administrative Services initiates the determination of non-resident tuition procedures.

Non-resident (out-of-state) tuition applicants may be admitted to the College on the same basis as California residents except that they will be required to pay tuition prescribed by the Governing Board to cover the costs of instruction. After a student has been present in California for one year and one day and has manifested clear intent to become a California resident, he/she may apply for reclassification as a California resident. State law requires consideration of financial independence for students seeking reclassification.

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BP 5030 Fees

Reference:

Education Code Section 70902(b)(9), 76300.5, 66205.3;
Title 5, Section 51012
California Community College Chancellor's Office (CCCCO) Student Fee Handbook

The Board authorizes the following fees. The President of the College shall establish procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The procedures shall also assure those who are exempt from or for whom the fee is waived are enrolled and accounted for properly. Fee amounts shall be published in the college catalog.

- **Enrollment Fee** *(Education Code Section 76300):*
  Each student shall be charged a fee for enrolling in credit courses as required by law.

- Health Fee (*Education Code Section 76355)*:
  As of November 2012, The District shall charge each student a fee of $19 for fall and spring, and $16 for summer for health supervision and services.

  The President of the College shall present to the board for approval a fee to be charged to each full time student for student health services.

- Parking Fee *(Education Code 76360)*:
  The President of the College shall establish such administrative procedures regarding vehicles and parking on campus as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures.

  Parking fees may be established in accordance with these Board policies. (See Board Policy 5030) (See Administrative Policy BP 6750)

- Instructional Materials *(Education Code Section 76365; Title 5, Sections 59400, et seq.)*:
  Students may be required to provide required instructional and other materials for a credit or non-credit course, provided such materials are of continuing value to the student outside the classroom and provided that such materials are not solely or exclusively available from the District.

- Physical Education Facilities *(Education Code 76395)*:
  Where the District incurs additional expenses because a physical education course is required to use non-district facilities, students enrolled in the course shall be charged a fee for participating in the course. Such fee shall not exceed the student's calculated share of the additional expenses incurred by the district.

- Student Representation Fee *(Education Code 76060.5)*:
  Students will be charged a $1 fee per semester to be used to provide support for student governmental affairs representation. A student may refuse to pay the fee for religious, political, financial or moral reasons and shall submit such refusal in writing.

- **Transcript Fees** *(Education Code 76223):*
  The District shall charge a reasonable amount for furnishing copies of any student record to a student or former student. The President of the College is authorized to establish the fee, which shall not to exceed the actual cost of furnishing copies of any student record. No charge shall be made for furnishing up to two transcripts of students' records, or for two

verifications of various records. There shall be no charge for searching for or retrieving any student record.

- International Students Application Processing Fee *(Education Code Section 76142)*:
  The District shall charge students who are both citizens and residents of a foreign country a fee to process his or her application for admission. The President of the College may establish this processing fee and regulations for determining economic hardship. The fee shall not exceed the lesser of 1) the actual cost of processing an application and other documentation required by the U.S. government; or 2) one hundred dollars ($100), which shall be deducted from the tuition fee at the time of enrollment.

- Out-of-State Tuition
  Out-of-state and international students are required to pay tuition in full at the time they register. The amount of tuition is subject to annual review and change. Information on current amounts is available from the Vice President of Student Services.
  Tuition will be charged for the maximum number of possible units registered for by the student. In the case of flexible unit classes, the student may not carry "paid up" units from one term to the next.

  As of January 2013, the Non-resident tuition fee is $192.

- Deferment of Fees for Out-of-State Financial Aid Students
  Students who have been approved for financial aid who are out-of-state who are out-of-state may request and be approved for a deferment of their fees for tuition and registration.

See Administrative Procedures #5030

Amended by the Board of Trustees: January 14, 2014

Approved by the Board of Trustees August 13, 2002

AP 5030 Fees

Reference:

Education Code Section 70902(b)(9), 76300.5, 66205.3;
Title 5, Section 51012
California Community College Chancellor's Office (CCCCO) Student Fee Handbook

Required fees include:

- Enrollment (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- Nonresident tuition with these permissive exemptions (Education Code Section 76140 and 76140.5)
  - All non-resident students enrolling for 6 or fewer units; or
  - A student who is a citizen and resident of a foreign country who demonstrates financial need

And this required exemption (Education Code Section 68130.5);

- All students, other than non-immigrant aliens under 8 U.S.C. 110(a)(15), who meet the following requirements
  - ✓ High school attendance in California for three or more years;
  - ✓ Graduation from a California high school or attainment of the equivalent thereof
  - ✓ Registration or enrollment in a course offered for any term commencing on or after January 1, 20021.
  - ✓ Completion of a questionnaire form prescribed by the Chancellor verifying eligibility for this non-resident tuition exemption; and
  - ✓ In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

Fees authorized by law include:

- Non-District physical education facilities (Education Code 76395)
- Noncredit courses (Education Code Section 76385)
- Community services courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; title 5, Section 59400 and 59408)
- Athletic insurance ((Education Code Section 70902(b)(9))
- Cross-enrollment with the California Statue University (CSU) or University of California (UC) (Education Code Section 66753)
- Health (Education Code Section 76355)
- Parking (Education Code Section 76360)
- Transportation (Education Code Section 76361 and 82305.6
- Student representation (Education Code Section 76060.5; Title 5, Sections 54801 and 54805)
- Student Center (Education Code Section 76375; Title 5, Section 58510)
- Copies of student records (Education Code Section76223)
- Dormitory (Education Code Section 81670)
- Child care (Education Code Section 79121 et seq. and 66060)
- Non-resident capital outlay (Education Code Section 76141)
- Non-resident application processing (Education Code Section 76142)

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- Credit by Examination (Education Code Section76300, Title 5, Section 55050)
- Use of facilities financed by revenue bonds (Education Code Section 81901(b)(3))
- Refund processing (Title 5, Section 58508)
- Telephone registration (Education Code Section70902(a))
- Physical fitness test (Education Code Section 70902(b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- Credit Card Use (Education Code Section 70902(b)(9))
- International Student Medical Insurance (Education Code Section 70902(b)(9))

Prohibited Fees Include:

- Late application (CCCO Student Fee Handbook)
- Add/Drop (CCCO Student Fee Handbook)
- Mandatory student activities (CCCO Student Fee Handbook)
- Student Identification Cards (CCCO Student Fee Handbook)
- Student Body Organization (CCCO Student Fee Handbook)
- Non-Resident application (CCCO Student Fee Handbook)
- Field trip (Title 5, Sections 55450 and 55451)
- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001, terrorist attacks (CCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- Required or funded services (CCCO Student Fee Handbook)
- Refundable deposits (CCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCO Student Fee Handbook)
- Mandatory mailings (CCCO Student Fee Handbook)
- Rental of practice rooms (CCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Technology fee (CCCO Student Fee Handbook)
- Late payment fee (CCCO Student Fee Handbook)
- Nursing/healing arts student liability insurance (Title 5, Section 55234)
- Cleaning (CCCO Student Fee Handbook)
- Breakage (CCCO Student Fee Handbook)
- Test proctoring (CCCO Student Fee Handbook)

Collection and Refund of Fees

- Fees to be collected when enacted by the Legislature following registration by the student
- Fees collected in error
- Fees refundable because of a reduction in the educational program of the District
- Fees refundable because of the student's reduction in units or withdrawal from an education program

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- Fees refundable because of changes in law or regulation authorizing and establishing enrollment fees.
- Notice to students of availability of exemptions from certain mandatory and authorized fees.

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AP 5031 Instructional Materials Fees

Reference:

Education Code Section 76365;
Title 5 Section 59400 et seq.

Students may be required to provide instructional materials required for a credit or non-credit course. Such materials shall be of continuing value to a student outside of the classroom setting and shall not be solely or exclusively available from the District.

Required instructional materials shall not include materials used or designed primarily for administrative purposes, class management, course management or supervision.

Where instructional materials are available to a student temporarily through a license or access fee, the student shall be provided options at the time of purchase to maintain full access to the instructional materials for varying periods of time ranging from the length of the class up to at least two years. The terms of the license or access fee shall be provided to the student in a clear and understandable manner prior to purchase.

Instructors shall take reasonable steps to minimize the cost of instructional materials.

Definitions

"Required instructional" means any materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which the instructor determines in necessary to achieve the required objectives of a course.

"Solely or exclusively available from the District" means that the instructional material is not available except through the District, or that the District requires that the instructional material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the District if it is provided to the student at the District's actual cost and

1. Material is otherwise generally available, but is provided solely or exclusively by the District for health and safety reasons; or
2. Material is provided in lieu of other generally available but more expensive material which would otherwise be required.

"Required instructional materials which are of continuing value outside of the classroom setting" are materials which can be taken from the classroom setting and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course to be accomplished under the supervision of an instructor during the class.

Approved by the Board of Trustees: August 13, 2002
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BP 5035 Withholding of Student Records

Reference:

Title 5, Section 59410

Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation shall have grades, transcripts, diplomas, and registration privileges withheld.

See Administrative Procedures #5035

Approved by the Board of Trustees August 13, 2002

AP 5035 Withholding of Student Records

Reference:

Title 5, Section 59410

The Admissions and Records Office may withhold grades, transcripts, diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation to the District. The student shall be given written notification and the opportunity to explain if the financial obligation is in error.

The definition of proper financial obligation shall include, but is not limited to: student fees; obligations incurred through the use of facilities, equipment or materials; library fines; unreturned library books; materials remaining improperly in the possession of the student; and/or any other unpaid obligation a student or former student owes to the District. A proper financial obligation does not include any unpaid obligation to a student organization.

Withholding Records for Non-payment of Financial Obligations

Gavilan College may withhold grades, transcripts, diplomas, registration privileges, or any combination thereof, from any student or former student who has been provided with written notice that he or she has failed to pay a proper financial obligation due to the College (e.g., returned checks, book loan payments, library books outstanding, etc.). Any item or items withheld shall be released when the student satisfactorily meets the financial obligation.

Approved by the Board of Trustees August 13, 2002

BP 5040 Student Records and Directory Information

Reference:

Education Code Sections 76200, et seq.;
Title 5, Sections 54600, et seq.

The President of the College shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

Any currently enrolled or former student of the District has a right of access to any and all student records relating to him or her maintained by the district.

No District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information.

Directory information shall include:

Student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members.

Degrees and awards received by students, including honors, scholarship awards, athletic awards, Dean's and President's List recognition.

Name of the student

Dates of attendance at Gavilan College

Date of graduation and degree or certificate awarded

See Administrative Procedures #5040

Approved by the Board of Trustees August 13, 2002

AP 5040 Student Records Directory Information, and Privacy

Reference:

Education Code Section 76200 et seq.;
Title 5, 54600 et seq.,
US Patriot Act;
Civil Code Section 1798.85

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

Release of Student Records

- No instructor, official, employee, or governing board member shall authorize access to student records to any person except under the following circumstances:
- Student records shall be released pursuant to a student's written consent.
- Requests must be submitted in writing to the Director of Admissions and Records/Registrar. Telephone requests will not be accepted.

"Directory information" may be released in accordance with the definitions in Board Policy. Requests must be submitted in writing to the Director of Admissions and Records. Unless otherwise instructed in writing by the student, the directory information consists of:

- Name of student
- Dates of attendance at Gavilan College
- Date of graduation and degree or certificate awarded

Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. All request of this nature must be presented to the College's Registrar for verification and action.

When the District is served with a subpoena commanding the production of certain educational records, the Family Educational Rights and Privacy Act (FERPA) requires that the District make a reasonable effort to notify the student whose educational records are the subject of the subpoena or judicial order. Thereafter, it is the student's responsibility to seek a protective order or other legal relief if the student opposes the release of his/her records. Further, while FERPA provides no specific time frame for responding to a subpoena after notice is given to a student, it is reasonable to inform a student that if the District does not receive a court order directing it to do otherwise; it will comply with the subpoena after seven business days.

Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism

Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. Requests must be submitted in writing to the Director of Admissions and Records.

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Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. Requests must be submitted in writing to the Director of Admissions and Records.

Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code 76225. Requests must be submitted in writing to the Director of Admissions and Records.

Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. Requests must be submitted in writing to the Director of Admissions and Records.

Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administrating predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted. Requests must be submitted in writing to the Director of Admissions and Records.

Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. Requests must be submitted in writing to the Director of Admissions and Records.

The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students.

Charge for Transcripts or Verifications of Student Records.

A student/former student shall be entitled to two free copies of the transcript of his/her record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the rate of $4.00 per copy. Students may request special processing of a transcript. Rush copies may be obtained for an additional $7 fee.

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Electronic Transcripts

The district may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his or her social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his or her social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication devise; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
  - Application or enrollment purposes;
  - To establish, amend, or terminate an account, contract, or policy; or
  - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he or she has the right to stop the use of his or her social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the district shall not deny services to an individual for making such a request.

Approved by the Board of Trustees: August 13, 2002
Amended by the Board of Trustees: August 14, 2012

AP 5045 Student Records—Challenging Content and Access Log

Reference:

Education Code Section 76222, 76232; Title 5 Section 54630

Challenging Content

Any student may file a written request with the Director of Admissions and Records to correct or remove information recorded in his or her student records that the student alleges to be: (1) inaccurate; (2) an unsubstantiated personal conclusion or inference; (3) a conclusion or inference outside of the observer's area of competence; or (4) not based on the personal observation of a named person with the time and place of the observation noted.

Within 30 days of receipt of the request, the Vice President of Student Services or designee shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the community college District. The Director of Admissions and Records shall then sustain or deny the allegations.

If the Director of Admissions and Records sustains any or all of the allegations, he or she shall order the correction or removal and destruction of the information. If the *[designate position]* denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within 30 days of the refusal, may appeal the decision in writing**.**

Within 30 days of receipt of an appeal, the governing board shall, in closed session with the student and the employee who recorded the information in question, determine whether to sustain or deny the allegations. If the governing board sustains any or all of the allegations, it shall order the President of the College or his or her designee, to immediately correct or remove and destroy the information. The decision of the governing board shall be final.

If the final decision is unfavorable to the student, the student shall have the right to submit a written statement of his or her objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

Whenever there is included in any student record information concerning any disciplinary action, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Whenever there is included in any student record information concerning any disciplinary action in connection with any alleged sexual assault or physical abuse, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

Access Log

A log or record shall be maintained for each student's record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing need not include any of the following:

Students seeking access to their own records;
Parties to whom directory information is released;
Parties for whom written consent has been executed by the student;
Officials or employees having a legitimate educational interest.

The log or record shall be open to inspection only by the student and the Vice President of Student Services or designee, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

Approved by the Board of Trustees August 13, 2002

BP 5050 Matriculation

Reference:

Education Code Sections 78210, et seq.; Title 5, Section 55500

The District shall provide matriculation services to students for the purpose of furthering equality of educational opportunity and academic success. The purpose of matriculation is to bring the student and the district into agreement regarding the student's educational goal through the district's established programs, policies and requirements.

The President of the College shall establish procedures to assure implementation of matriculation services that comply with the Title 5 regulations.

See Administrative Procedures #5050

Approved by the Board of Trustees August 13, 2002

AP 5050 Matriculation

Reference:

Education Code Sections 78210 et seq.; Title 5, Section 55500

Matriculation brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies and requirements.

Student Responsibilities: Students are expected to express a broad educational goal, complete assigned course work, complete courses and maintain progress toward an educational goal.

Each student, in entering into an educational plan, will do all of the following:

- express at least a broad educational intent upon admission
- declare a specific goal no later than the term after which the student completes 15 semester units of degree applicable credit coursework
- diligently attend class and complete assigned coursework
- complete courses and maintain progress toward an educational goal
- cooperate in the development of the student educational plan

Matriculation services include, but are not limited to, all of the following:

- Processing of the application for admission

- Orientation and pre-orientation services designed to provide to students, on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other appropriate matters

Assessment and counseling upon enrollment, which shall include, but not be limited to, all of the following:

- Administration of assessment instruments to determine student competency in computational and language skills

- Assistance to students in the identification of aptitudes, interests and educational objectives, including, but not limited to, associate of arts degrees, transfer for baccalaureate degrees, and vocational certificates and licenses

- Evaluation of student study and learning skills

- Referral to specialized support services as needed, including, but not limited to, federal, state, and local financial assistance; health services; campus employment placement services; extended opportunity programs and services; campus child care services programs that teach English as a second language; and disabled student services

- Advisement concerning course selection

- Post-enrollment evaluation of each student's progress, and required advisement or counseling for students who are enrolled in remedial courses, who have not declared an educational objective as required, or who are on academic probation.

The District shall not use any assessment instrument except one specifically authorized by the Board of Governors of the California Community Colleges.

Approved by the Board of Trustees August 13, 2002

Students may be exempted from the Matriculation process and services under specific conditions:

- They have already earned an A.A. degree or a higher degree; and
- do not plan to earn a certificate or a degree (or an additional degree); and
- are enrolled in less than 6 units a semester; and
- have accumulated less than 12 units in transfer courses; and/or
- do wish to receive services.

When any of the above exemptions change, matriculation services will be offered and available.

Disproportionate Impact:

In the event that implementation of the components of the Matriculation Plan result in a disproportionate impact on a particular group of students, the College will develop a plan to correct this impact in consultation with the California Community College Chancellor's Office.

Establishing Course Pre-requisites:

A mandatory course prerequisite or co-requisite will be adopted if the related instructional department and the College's curriculum committee validate that success in a course that is correlated with the requirement of the pre-requisite.

Challenging a Pre-requisite:

Students may challenge a course prerequisite or co-requisite for the following conditions:

- The pre- or co-requisite is not valid because it is not necessary to succeed in the course for which it is required;
- The student has the knowledge or ability to succeed in the course despite not meeting the pre- or co-requisite; or
- The pre- or co-requisite course is unavailable; or
- The pre or co-requisite is discriminatory or is being applied in a discriminatory manner.

AP 5052 Open Enrollment (Challenge of Enrollment Limitations)

Reference:
Title 5, Sections 58106, 58108

Unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be reported for state aid shall be fully open to enrollment and participation by any person who has been admitted to the College and who meets all prerequisites. Class enrollment is limited by size of facility and program content. Gavilan College is in full compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

All courses of the District shall be open to enrollment in accordance with a priority system consistent with Administrative Procedure 5055. Enrollment may be limited to students meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as determined by the Vice President of Instructional Services or designee.

A student may challenge an enrollment limitation on any of the following grounds:

The limitation is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
The District is not following its enrollment procedures;
The basis for the limitation does not in fact exist.

See Administrative Procedures #5050

Approved by the Board of Trustees August 13, 2002

BP 5055 Enrollment Priorities

Reference:

Title 5, Sections 58106; 58108

All courses of the District shall be open to enrollment, subject to a priority system that may be established. Enrollment also may be limited to students meeting properly validated prerequisites and co-requisites, or due to other, practical considerations.

The President of the College shall establish procedures defining enrollment priorities, limitations, and processes for student challenge, which shall comply with Title 5 regulations.

See Administrative Procedures #5055

Approved by the Board of Trustees August 13, 2002

AP 5055 Enrollment Priorities

Reference:
Title 5, Section 58106

Enrollment in courses and programs may be limited to students meeting properly established prerequisites and co-requisites*. [See Board Policy and Administrative Procedure 4260 regarding pre- and co-requisites.]*

Enrollment may be limited due to the following:

health and safety considerations
facility limitations
faculty workload
availability of qualified instructors
funding limitations
regional planning
legal requirements
contractual requirements

When enrollment must be limited, priorities for determining who may enroll are:

- Limiting enrollment to first come, first served, or other non-evaluative selection techniques.

Course Availability

Every course, course section or class, the average daily attendance of which is to be reported for state aid, wherever offered and maintained by the District, shall be fully open to enrollment participation by any person who has been admitted to the College and who meets such prerequisites as may be established pursuant to Chapter II, Division 2, Part VI, Title 5 of the California Administrative Code unless specifically exempted by statute.

Gavilan College provides special registration assistance to disabled and disadvantaged students in compliance with Title 5 of the California Administrative code, Section 504 of the Federal Rehabilitation Act, and the Americans with Disabilities Act.

Course Prerequisite

A prerequisite is a measure of readiness for a course or program that a student is required to meet as a condition of enrolling in a course or program. Successful completion (a grade of "C" or better) of the prerequisite is required.

Course Advisory

An advisory is a measure of readiness for a course or program that is recommended a student meet in order to enroll in a course or program. Successful completion with a "C" or better is strongly recommended.

Approved by the Board of Trustees August 13, 2002

How Course Prerequisites are Established

Course prerequisites are developed by faculty members and accepted by the Gavilan College Curriculum Committee with the intent of promoting student success. Courses are individually reviewed to assure that prerequisites are a valid measure of readiness for student success. Criteria used to establish prerequisites include, but are not limited to, the following:

1. Most prerequisites are in degree programs within sequential content areas. A course may be established as a prerequisite for another course provided that skills, concepts and/or information taught in the first course are presupposed in the second course;

2. The course for which the prerequisite is required is one in which the student might endanger his or her own health and safety or the health and safety of others if the prerequisite is not met; or

3. A course may be established as a prerequisite for another course because appropriate faculty and the Curriculum Committee have established it as equivalent to the prerequisite established by at least three campuses of the University of California and/or the California State University.

4. Other prerequisite criteria may be developed and utilized by Gavilan College. These are available through the office of the Vice President of Instructional Services.

How Course Advisories are Established

Course advisories are developed by faculty members and accepted by the Gavilan College Curriculum Committee with the intent of promoting student success. Courses are individually reviewed to assure that the advisories assist a student to efficiently and successfully complete the course. The departments and the Curriculum Committee have concluded, after review of content, that the advisory or its equivalent is strongly recommended for student success.

Challenge of Prerequisite

Students who have reason to believe that they have already fulfilled a prerequisite, or that a prerequisite has been improperly established or implemented, may challenge the prerequisite. The student is responsible to provide compelling evidence to substantiate the challenge claim.

Challenge forms are available at the Admissions Office and must be completed and returned to the Vice President of Instructional Services prior to the first day of classes.

The College must respond to a completed challenge submitted by a student within a period of five working days or the challenge is valid. Although the student may register in the class for which the prerequisite is being challenged, if the challenge is denied, the student will be dropped from the class. No prerequisite that is successfully challenged will receive academic credit. For further information regarding the prerequisite challenge, contact a counselor.

Approved by the Board of Trustees August 13, 2002

AP 5070 Attendance

Reference:

Title 5, Sections 58000 et seq.

The Gavilan College administration will carry out the provisions of Section 58030 of Title 5, California Administrative Code by implementing the requirements, regulations, and guidelines of the "Student Attendance Accounting Manual," revised edition, September 1996, as provided by the Chancellor's Office, California Community Colleges.

Further, the direct responsibility for the implementation, retention of related documents, and audit trail documentation will be vested in the Director of Admissions and Records at Gavilan College.

Requirements include the following broad areas:

Computation of units of full time equivalent student (FTES) based on the type of course, the way the course is scheduled, and the length of the course
Selection of a single primary term length for credit courses
Reporting of FTES during the "first period" (between July 1 and December 31) and "second period" (between July 1 and April 15)
Compliance with census procedures prescribed by the state Chancellor's Office for all credit courses, including work experience, independent study, and credit courses being reported on an actual attendance basis
Preparation of census day procedure tabulations
Preparation of actual student contact hours of attendance procedure tabulations
Preparation (as applicable) of actual apprentice hours of teaching procedure tabulations
Preparation of support documentation regarding all course enrollment, attendance and disenrollment information.
Computation of FTES that includes only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the District authorized to render service in the capacity and during the period in which he or she served.
Maintenance of the colleges in the District for at least 175 days during the fiscal year.

Approved by the Board of Trustees August 13, 2002

AP 5075 Course Adds and Drops

Reference:

Title 5, Sections 55024, 58004

Adding Courses

Students may add full-semester length courses through the late registration period or short-term courses through 5% of the course length or open entry courses before the designated time.

After the specified registration period concludes, courses may be added only with written permission from the Vice-President of Student Services or designee.

Withdrawals

Withdrawals, or drops, are authorized through the last day of the 12th week of instruction or 75% of the term, whichever is less. Students who withdraw or drop classes during the first two weeks or 10% of the term, whichever is less, will receive no notation on their academic record. Pursuant to AP 4230 (Grading and Academic Symbols) withdrawals are noted as follows:

For full 16 week terms (spring and fall)

- Day 1 of the term through the end of Day 7 of the term, No Record Shown (NRS) will apply
- Day 8 of the term through 75% of the term (12th week of instruction), a "W" will be applied
- 76% of the term through 100% of the term, a grade of "F" will apply

For summer term

- Day 1 of the term through the end of Day 2 of the term, "NRS" will apply
- Day 3 of the term through 75% of the term, a "W" will be applied
- 76% of the term through 100% of the term, a grade of "F" will apply

For other short term courses

- "NRS will apply on Day 1 of the term or course
- "W" will apply through 75% of the term or course
- "F" will apply for 76% through 100% of the term or course

Instructors shall clear their rolls of inactive students not later than the end of the last business day before the census day for all students.

"Inactive students include:

- Students identified as no-shows,
- Students who officially withdraw,
- Students who are no longer participating in the courses and are therefore dropped by the instructor

Effective the summer term of 2012, the District has established the number times that a student may withdraw from a class and receive a "W". Students will not be permitted to withdraw and receive a "W" in a class more than twice. Should a student withdraw from a class following a third attempt, the student will receive the grade they would have received had they not dropped.

Approved by the Board of Trustees: August 13, 2002
Amended by the Board of Trustees: March 9, 2010
Amended by the Board of Trustees: March 8, 2011
Amended by the Board of Trustees: August 14, 2012

Students may be permitted to enroll in a class after having received the maximum authorized number of "W" symbols as long as the students will receive a grade or a non-evaluative symbol other than a "W" upon completion of the course, if:

- The District does not claim apportionment, and
- The District policy permits additional withdrawals for which it does not receive apportionment and the official designated in the District's policy approves such withdrawal after a review of a petition submitted by the student.

Approved by the Board of Trustees: August 13, 2002
Amended by the Board of Trustees: March 9, 2010
Amended by the Board of Trustees: March 8, 2011
Amended by the Board of Trustees: August 14, 2012

BP 5110 Counseling

Reference:

Education Code Section 72620;
Title 5, Section 51018

Counseling services are an essential part of the educational mission of the District. The President of the College shall assure the provision of counseling services including academic, career, and personal counseling that is related to the student's education.

Counseling shall be recommended for all first time students, and counseling will be required for all students on academic or progress probation.

Administrative Procedures #5110

Approved by the Board of Trustees August 13, 2002

AP 5110 Counseling

Reference:

Education Code Section 72620; Title 5, Section 51018

The counseling services available in the District's counseling program include at least the following:

Academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals

Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

Personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education;

Coordination with the counseling aspects of other services to students, which exist on campus, including but not limited to those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

Confidentiality of Counseling Information:

Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential, and shall not become part of the student record without the written consent of the person who disclosed the confidential information. However, the information shall be disclosed when permitted by applicable law, including but not limited to disclosure as necessary to report child abuse or neglect; reporting to the President of the College or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the college community; reporting information to the President of the College or other persons as necessary when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; reporting information to one or more persons specified in a written waiver by the student.

Approved by the Board of Trustees August 13, 2002

BP 5120 Transfer Center

Reference:
Title 5, Section 51027; Education Code section 66720 - 66744

The District incorporates as part of its mission the transfer of its students to baccalaureate level institutions. The District further recognizes that students who have historically been underrepresented in transfer to baccalaureate level institutions are a special responsibility.

The President of the College shall assure that a transfer center plan is implemented that identifies appropriate target student populations, is designed to increase the transfer applications of underrepresented students and complies with law and regulations.

See Administrative Procedures #5120

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees: August 13, 2002

Approved by the Board of Trustees August 13, 2002

AP 5120 Transfer Center

Reference:

Title 5, Section 51027; Education Code section 66720 - 66744

The District has a Transfer Center Plan that complies with the requirements of Title 5. The plan identifies appropriate target student populations and is designed to increase the transfer applications of underrepresented students among transfer students.

Plan components include, but are not limited to:

- Services to be provided to students
- Facilities
- Staffing
- An advisory committee
- Evaluation and reporting
- Transfer path requirements for each articulated baccalaureate major

The Transfer Center Plan is reviewed annually. Modifications/revisions are made collaboratively between the Counseling Department and Transfer Center Specialist. The Transfer Center Plan is submitted to the Board of Trustees each year for review, input and approval. The Transfer Center Plan is located in the Transfer Center, Counseling Department Chair and the Vice President of Student Services Office.

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees: August 13, 2002

Approved by the Board of Trustees August 13, 2002

BP 5130 Financial Aid

Reference:

Education Code Section 76300
20 U.S.C. Sections 1070, et seq.;
34 C.F.R. Section 668;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under the Title IV of the Higher Education Act of 1965, as amended

A program of financial aid to students will be provided, which may include, but is not limited to, scholarships, grants, loans, and work and employment programs.

All financial aid programs will adhere to guidelines; procedures and standards issued by the funding agency, and will incorporate federal, state and other applicable regulatory requirements.

The Director of Financial Aid, Vice President of Student Services or designee shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs.

Misrepresentation

Consistent with the applicable federal regulation for federal financial aid, the District shall not engage in "substantial misrepresentation" of:

1. The nature of its education program,
2. The nature of its financial charges, or
3. The employability of its graduates.

The Director of Financial Aid, Vice President of Student Services or designee shall establish procedures for regularly reviewing the District's website and other informational materials for accuracy and completeness and for training District employees and vendors providing covered services concerning the District's educational programs, financial charges, and employment of graduates to assure compliance with this policy.

The Director of Financial Aid, Vice President of Student Services or designee shall establish procedures wherein the District shall periodically monitor employees' and vendors' communications with prospective students and members of the public and take corrective action where needed.

This policy does not create a private cause of action against the District or any of its representatives or service providers. The District and its governing board do not waive any defenses or governmental immunities by enacting this policy.

Administrative Procedures #5130

Approved by the Board of Trustees: October 9,2012

Approved by the Board of Trustees August 13, 2002

AP 5130 Financial Aid

Reference:

Education Code Section 76300;
Title 5, Sections 58600 et seq.
20 U.S.C. Sections 1070 et seq.;
34 CFR Section 668; Education Code
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended.

Gavilan College Participates in the following Financial Aid Programs:

- Scholarships
- Board of Governor's Enrollment Fee Waiver
- Cal Grants
- Cal Grants Specialized Programs
- Federal Pell Grants
- Federal Supplemental Educational Opportunity Grant (SEOG)
- Federal Work Study
- EOPS
- CARE
- CalWorks

Please refer to the Gavilan College Student Financial Aid Handbook for:

- Application Procedures
- Filing Deadlines
- Eligibility Criteria
- Payment Procedures
- Overpayment recovery
- Accounting Requirements
- Satisfactory Academic Progress Standards (Appeals Process)

Additionally, the above information is available to students using the following:

- Gavilan College Brochure, "*Completing the Free Application for Federal Student Aid (FAFSA) Form.*"
- The 2001-2002 FAFSA Free Application for Student Aid
- Fund Your Future, 2002-2003 Booklet, from the California Student Aid Commission

Misrepresentation

Misrepresentation is defined as any false, erroneous or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting or admissions services, makes directly or indirectly to a student, prospective student, a member of the public, an accrediting agency, a state agency, or the United States Department of Education.

A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. If a person to whom the misrepresentation was made could reasonably be expected to

Approved by the Board of Trustees: August 13, 2002
Amended by the Board of Trustees: August 14, 2012

rely, or has reasonably relied, on the misrepresentation, the misrepresentation would be substantial.

This policy does not apply to statements by students through social media outlets or by vendors that are not providing covered services, as reflected herein.

Approved by the Board of Trustees: August 13, 2002
Amended by the Board of Trustees: August 14, 2012

BP 5140 Disabled Students Programs and Services (DSPS)

Reference:

Education Code Sections 67310, 84850;
Title 5, Sections 56000 et seq.

Students with disabilities shall be assisted to participate whenever possible in the regular educational programs in the District.

The Disabled Students Programs and Services (DSPS) program administered by the Disability Resource Center (DRC) shall be the primary provider for support programs and services that facilitate equal educational opportunities for students with disabilities who can profit from instruction as required by federal and state laws.

DRC services shall be available to students with verified disabilities. The services to be provided include, but are not limited to: reasonable accommodations, academic adjustments, accessible facilities, equipment, instructional programs, rehabilitation counseling and academic counseling.

No student with disabilities is required to participate in the Disabled Students Programs and Services program.

The District shall respond in a timely manner to accommodation requests involving academic adjustments. The Associate Dean of the DRC, the Vice President of Student Services or designee, shall establish a procedure to implement this policy which, at a minimum, provides for an individualized review of each such request, and permits interim decisions of such requests pending final resolution by the appropriate administrator or designee.

The Associate Dean of the DRC or designee shall assure that the DSPS program conforms to all requirements established by the relevant law and regulations.

Administrative Procedures #5140

Approved by the Board of Trustees: October 9, 2012

Approved by the Board of Trustees August 13, 2002

AP 5140 Disabled Student Programs and Services

Reference:
Title 5, Sections 56000 et seq. and 56027

The District maintains a plan for the provision of programs and services for students with disabilities designed to assure that they have equality of access to District classes and programs.

The Gavilan College Disabled Student Programs and Services (Disability Resource Center) includes and verifies (but is not limited to) the following:

- Procedure for timely response to accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee

Long-range goals and short-term objectives for the program. (Title V, Section 56046)

Definitions of disabilities and students eligible for the program. (Refer to Title V, Section 56032)

Support services and instruction that is provided. (Refer to Title V, Section 56026)

Verification of disability. (Refer to Title V, Section 56032-44)

Student rights and responsibilities. (Refer to current DRC Student Handbook)

Student educational contract or plan that is developed by a designated person in consultation with the student. (Refer to Title V, Section 56027)

Academic accommodations. (Refer to Title V, Section 56027)

Provisions for course substitution and waivers. (Refer to Title V, Section 56027)

Staffing (Refer to Title V, Section 56048); and

Advisory committee (Refer to Title V, Section 56060)

Approved by the Board of Trustees: August 13, 2002
Amended by the Board of Trustees: August 14, 2012

BP 5150 Extended Opportunity Programs and Services (EOPS)

Reference:

Education Code 69640 – 69656;
Title 5 Sections 56200 et seq.

Support services and programs that are in addition to the traditional student services programs shall be provided in order to assist students who have language, social, and economic disadvantages to succeed academically in the District.

The Extended Opportunity Programs and Services (EOPS) is established to provide services that may include, but are not limited to, outreach, recruitment, orientation, assessment, tutorial services, counseling and advising, and financial aid.

The President of the College shall assure that the EOPS program conforms to all requirements established by the relevant law and regulations.

See Administrative Procedures #5150

Approved by the Board of Trustees August 13, 2002

AP 5150 Extended Opportunity Programs and Services

Reference:

Education Code Sections 69640-69656; Title 5, Sections 56200 et seq.

The EOPS Program provides over and above support services to students with educational, social and economic disadvantages.

The EOPS Program shall be staffed by a certificated full-time director, counselors and other support staff approved by the governing board of the community college district.

The EOPS Program shall have an Advisory Committee appointed by the President of the College upon recommendation of the Associate Dean of EOPS/CalWORKS. The purpose of the advisory committee is to assist the College in developing and maintaining effective Extended Opportunity Programs and Services. The Advisory Committee should include representation from College personnel, EOPS students, local high schools, community and business sectors and four-year colleges where possible. The Advisory shall meet at least once during each year.

Student responsibility requirements:

- In order to be eligible to receive programs and services a student must be a resident of California.
- Be enrolled full-time when accepted into the EOPS Program. The Associate Dean of EOPS/CalWORKS may authorize up to 10% of EOPS students accepted to be enrolled for 9 units.
- Not have completed more than 70-degree applicable credit coursework.
- Qualify to receive a Board of Governors Grant.
- Be educationally disadvantaged as determined by the Associate Dean of EOPS/CalWORKS or designee.

To remain eligible to receive programs and services students shall:

- Apply for state and/or federal financial aid.
- Maintain academic progress toward a certificate, associate degree, or transfer goal.
- File an initial EOPS application and complete and adhere to a student educational plan and an EOPS mutual responsibility contract.

Outreach, orientation and registration services shall include:

- Outreach and recruitment to increase the number of EOPS eligible students who enroll at the College.
- Orientation to familiarize EOPS eligible students with EOPS programs and services, and College procedures.
- Registration assistance for priority enrollment.

Assessments

- Each EOPS eligible student shall be assessed using instruments and methods, which the President of the College certified, are reliable, valid and appropriate for students being assessed.

Basic skills instruction, seminars, and tutorial assistance

- Gavilan College shall provide basic skills instruction and tutoring services to EOPS eligible students who, on the basis of assessments and counseling, need such services to succeed in reaching their educational goals.

Approved by the Board of Trustees August 13, 2002

Counseling and retention services

- The EOPS Program shall provide academic, personal and career counseling and advisement to EOPS eligible students of at least three contact sessions per term.

Career, Transfer and Employment Services

- Gavilan College shall provide assistance to EOPS eligible students to transfer to four-year institutions and/or to find career employment in their field of training. Appropriate College and EOPS staff shall attempt to articulate coursework and support services needed by EOPS students with four-year institutional staff.

Direct Aid

- Financial assistance in the form of EOPS grants and work study shall be awarded to EOPS eligible students for the purpose of reducing potential student loan indebtedness, or to reduce unmet financial need, after Pell grants and other state, federal, or institutional financial aid has been awarded to the student.

Establishment of objectives to achieve the goals in implementing EOPS

- The EOPS Program plan shall ensure that Gavilan College strives to achieve and maintain racial, ethnic and gender composition among income eligible students, which matches the composition of those who reside in the College service area.

Priority in outreach and recruitment activities shall be directed towards correcting the greatest under representation among students served.

Additional, priority among underrepresented students shall be given to serving individuals who are first in their family to attend college.

Priority in serving students enrolled at the College shall be:

- Serving continuing EOPS students with the lowest income.
- Serving continuing EOPS students transferring from another EOPS program.
- Serving first-time EOPS students with the lowest income.

The EOPS Plan shall address the following:

- The long-term goals of the EOPS Program in supporting the goals of the College.
- The objectives of the EOPS Program to be attained.
- The activities to be undertaken to achieve the objectives.
- An operating budget, which indicates the planned expenditures of EOPS funds.
- The number of student to be served.
- An evaluation of the results achieved in the prior year of funding.

Program evaluation

- Each college having an approved plan shall participate annually in an evaluation of the effectiveness of the program, which shall be conducted by the Chancellor. The annual evaluation may include on-site operational reviews, audits, and measurements of student success in achieving their educational objectives.

Approved by the Board of Trustees August 13, 2002

BP 5200 Student Health Services

Reference:

Education Code Section 76401

The College shall maintain a health services program that reflects the overall philosophy of the College and is responsive to the needs of the college community, within the confines of this Board policy, state and federal laws, maintenance of effort requirements and available funding.

The primary function of the health services program at the College is to help strengthen the educational process by facilitating the physical, emotional and social well being of its students and college community members in order to increase each person's potential success at the College.

Pursuant to Education Code §76355 (c) the following categories of students are exempted from the health fee required pursuant to subdivision (a):

(1) Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination or organization.

(2) Low income students, including students who demonstrate financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid and the board of governors and contained in Section 58620 of Title 5 of the California Code of Regulations §76355.

See Administrative Procedures #5200

Approved by the Board of Trustees August 13, 2002

AP 5200 Student Health Services

Reference:

Education Code Section 76401

The College shall maintain a health services program that reflects the overall philosophy of the College and is responsive to the needs of its college community, within the confines of this Board policy, state and federal laws, maintenance of effort requirements and available funding.

Referrals will be made, but medical treatment or therapy is not the primary responsibility of the College. Health Services may provide some limited medical services. Such services should not take the place of or duplicate services offered by off-campus public or private health providers and, in any event, shall not be for other than limited reproductive health (e.g., annual – cancer screening exams, pregnancy and HIV testing, urinary tract infections, sexually transmitted disease, birth control and menstrual irregularities), cough, cold, rash and immunizations.

Health Services Programs may also include, but not limited to:

- Health education, consultation, referrals and psychological counseling programs.
- Assessment, intervention and referral services which include, but are not limited to, health appraisal, screening, first aid, health and psychological counseling and crisis intervention, nursing and/or other health services.
- Health promotion activities.
- Communicable disease control programs and services.
- Programs and services designed to prevent illness and injury.
- Advisory activities for the promotion of a health campus community.
- Advise college administration in the implementation of all state and federal laws pertaining to college health issues.

Notwithstanding any other policy to the contrary, the health services at Gavilan shall be available to all students of the District.

Approved by the Board of Trustees August 13, 2002

BP 5205 Student Accident Insurance

Reference:

Education Code Section 72506

The District shall assure that students are covered by accident insurance in those instances required by law or contract.

See Administrative Procedures #5205

Approved by the Board of Trustees August 13, 2002

AP 5205 Student Accident Insurance

Reference:

Education Code Section 72500

All injuries must be reported to the Security Department, Student Health Nurse, or the Vice President of Student Services immediately upon notice that an injury occurred. If a student injury occurs during classroom or laboratory hours associated with Gavilan College, the faculty has the responsibility to ensure that the student's injury is addressed, and an accident report form is completed. A statement on the report form of how the injury occurred will be required of the faculty member responsible for the student when the injury occurred.

The Security Department, Student Health Nurse, nighttime administrator, or department administrator can assist faculty with an injured student and accident reporting.

Approved by the Board of Trustees August 13, 2002

BP 5210 Communicable Disease

Reference:

Education Code Section 76403

The President of the College shall establish procedures necessary to assure cooperation with local public health officials in measures necessary for the prevention and control of communicable diseases in students.

See Administrative Procedures #5210

Approved by the Board of Trustees August 13, 2002

AP 5210 Communicable Diseases

Reference:

Education Code Section 76403

Cooperation with local health officers in measures necessary for the prevention and control of communicable diseases in students.

Compliance with any immunization program required by State Department of Health Services regulations.

Approved by the Board of Trustees August 13, 2002

BP 5300 Student Equity

Reference:

Education Code Sections 66030; 66250, et seq.; 72010 et seq.;
Title 5, Section 54220

The Board is committed to assuring student equity in educational programs and college services. The President of the College shall establish and implement a student equity plan that meets the Title 5 standards for such a plan.

See Administrative Procedures #5300

Approved by the Board of Trustees August 13, 2002

AP 5300 Student Equity

Reference:

Education Code Sections 66030; 66250, et seq.; 72010 et seq.; Title 5, Section 54220

The District has a student equity plan. The plan is filed as required to the Chancellor's Office for the California Community Colleges, following approval by the Board.

The plan shall include:

- the active involvement of the groups on campus.
- involvement by appropriate people from the community who can articulate the perspective and concerns of historically underrepresented groups.
- campus-based research as to the extent of student equity.
- institutional barriers to equity.
- goals for access, retention, degree and certificate completion, English as a Second Language (ESL) and basic skills completion, and transfer for each historically underrepresented group.
- activities most likely to be effective to attain the goals, including coordination of existing student equity related programs.
- sources of funds for the activities in the plan.
- a schedule and process for evaluation of progress towards the goals.
- an executive summary that describes the groups for whom goals have been set, the goals, the initiatives that the District will undertake to achieve the goals, the resources budgeted for that purpose, and the District officer or employee who can be contacted for further information.
- the student equity plan shall be developed, maintained, and updated under the supervision of the Vice President of Student Services.

Approved by the Board of Trustees August 13, 2002

BP 5400 Associated Student Body (ASB) Organization

Reference:

Education Code Section 76060

The students of the District are authorized to organize a student body association. The Board hereby recognizes that association as the Associated Student Body (ASB) of the District.

The ASB organization is recognized as the official voice for the students in district decision-making processes. It may conduct other activities as approved by the President of the College. The Associated Students activities shall not conflict with the authority or responsibility of the Board, its officers or employees.

The ASB shall conduct itself in accordance with state laws and regulations and administrative procedures established by the President of the College.

The ASB shall be granted the use of District premises subject to such administrative procedures as may be established by the President of the College**.** Such use shall not be construed as transferring ownership or control of the premises.

See Administrative Procedures #5400

Approved by the Board of Trustees August 13, 2002

AP 5400 Associated Student Body (ASB) Organization

Reference:

Education Code Section 76060

- Gavilan College shall have one Associated Student Body Organization (ASB).
- Both day and evening student representatives shall be encouraged.
- A governing body shall be elected that shall keep an account of its meetings, expenditures, authorizations and policies established.
- A simple majority of the ASB Senate approved voting members of the Associated Student Body shall constitute a quorum.
- ASB shall have a constitution and/or bylaws. All provisions of the ASB constitution and/or bylaws are subject to the approval of the Gavilan College Board of Trustees.
- All meetings held under the auspices of the ASB will be open and public and will follow the guidelines of the California Brown Act.

Approved by the Board of Trustees August 13, 2002

BP 5410 Associated Student Body (ASB) Elections

Reference:
Education Code Section 76061

The Associated Student *Body* shall conduct annual elections to elect officers. The elections shall be conducted in accordance with procedures established by the President of the College.

Any student elected, as an officer in the Associated Student Body shall meet both of the following requirements:

The student shall be enrolled in the District at the time of election and throughout his or her term of office, with a minimum of five semester units or the equivalent.
The student shall meet and maintain the minimum standards of scholarship (see Board Policy 4220 and related administrative procedures).

A Gavilan College student elected by the Associated Student Body of Gavilan College shall serve as a member of the Gavilan College Board of Trustees in accordance with the laws of the State of California, the policies of the Gavilan Joint Community College District, and the Constitution By-laws of the Associated Student Body of Gavilan College. (Educational Code §72023.5)

The Student Trustee shall serve for one full year commencing the first day of June. (Educational Code §72023.5)

See Administrative Procedures #5410

Approved by the Board of Trustees August 13, 2002

AP 5410 Associated Student Body (ASB) Elections

Reference:
Education Code Section 76061

The Associate Students shall conduct annual elections to elect officers.

Any student elected as an officer in the Associated Student Body (ASB) shall meet the requirements in BP 5410.

The Associated Student *Body* shall conduct annual elections to elect officers.

Any student elected as an officer in the Associated Student Body shall meet the requirements established by the Board approved ASB Constitution and By-laws.

Elections and Appointments

Section 1: Elections shall be held in accordance with specific provision of the by-laws or this constitution.

Section 2: Appointments shall be filled in accordance with the specific provisions of the by-laws.

Approved by the general student body election, April 1995

Elections

1. An election committee shall be chaired by the ASB Vice President of Coordinated Services or his/her designee with senate approval.
2. Elections shall be held during the last two (2) academic weeks of April, except special elections.
3. Elections shall be made available to both day and evening students.
4. Petitions for office, excluding the student trustee, must be signed by one hundred fifty (150) currently registered students and candidate's qualifications (five [5] units minimum and 2.0 GPA) must be certified by the registrar's office.
5. The candidates for student trustee must obtain ten (10) percent of the total fall enrollment of the most recent fall semester in accordance with the California Education Code which does not allow write in candidates for this position.
6. All petitions for office must be received at least ten (10) business days prior to first day of balloting.
7. Members of the election committee, the senate, employees of Gavilan College and members of the Board of Trustees shall refrain from endorsing any candidate or campaigning in student elections.
8. No campaigning, posters, advertising, or speeches will be allowed within one hundred (100) feet of the polling place during elections or in the ASB office at anytime.
9. An election forum or other means of announcing candidates and their views may be held at least five (5) election days prior to the election to allow each candidate to express his/her views and opinions to the college community.
10. All student voters will identify themselves to a representative of the election committee in order to vote.

Approved by the Board of Trustees August 13, 2002

11. Voting location is to be determined by the election committee.
12. The ballots shall not be removed from the ballot box until the elections are completed.
13. No candidate may serve as an election official or be present when ballots are counted.
14. All defaced ballots will be voided.
15. Each candidate may designate an aide to monitor the ballot counting. This aide may not be a member of the election committee or help operate the elections.
16. Candidates must receive a majority of the votes cast in order to win. If no candidate receives a majority, the two students receiving the highest number of votes shall run in a run-off election.
17. An election may be protested by any student if a violation of the election procedures occurs. Protests are to be submitted to the senate within five (5) in-session school days of the alleged violation. The senate will determine the outcome.
18. Write-in candidates will only be considered official candidates for a run off election if they receive at least 25% of the total votes cast in the election.
19. All candidates who have followed established procedure for elections per these by-laws may place a fact sheet and photo at voting location.

Article 6, Elections, By-laws of the Associated Student Body of Gavilan College, Revised and Approved May 1997.

Amended by the Board of Trustees: December 10, 2013

Approved by the Board of Trustees August 13, 2002

BP 5420 Associated Student Body (ASB) Finance

Reference:

Education Code Sections 76063–76065

Associated Student funds shall be deposited with and disbursed by the President of the College or designee.

The funds shall be deposited, loaned or invested in one or more of the ways authorized by law.

All funds shall be expended according to procedures established by the Associated Student Body and the College's Fiscal Services Office subject to the approval of each of the following three persons, which shall be obtained each time before any funds may be expended:

- The Vice President of Student Services or designee;
- The employee who is the designated adviser of the particular student body organization; and
- A representative of the student body organization
- The funds of the Associated Students shall be subject to an annual audit.

See Administrative Procedures #5420

Approved by the Board of Trustees August 13, 2002

AP 5420 Associated Student Body (ASB) Finance

Reference:

Education Code Sections 76063-76065

- Associated Student Funds are maintained in accordance with the following procedures:
- Associated Student Organization Fund books, financial records and procedures are subject to annual audit.
- Reports of the annual audit of ASB funds are submitted to the *V*ice President of Business Services or designee and the ASB Adviser.
- Audit information, except that containing personnel or other confidential information, shall be released to the Associated Student Body and ASB Adviser by the Vice President of Business Services or designee.
- Associated Student Body funds shall be deposited with and disbursed by the District's Vice President of Business Services or designee.
- The funds shall be deposited, loaned or invested in one or more of the following ways authorized by law:
    - Deposits in trust accounts of the centralized State Treasury system pursuant to Sections 16305 to 16305.7, inclusive, of the Government Code or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.
    - Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, if the associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
    - Purchase of any of the securities authorized for investment by Section 16430 of the Government Code or investment by the Treasurer in those securities.
    - Participation in funds that are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code and that are open exclusively to nonprofit colleges, universities, and independent schools.
    - Investment certificates or withdrawable shares in federal or state credit unions, if the credit unions are doing business in this state and have their accounts insured by the National Credit Union Administration and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.

Approved by the Board of Trustees August 13, 2002

- Loans, with or without interest, to any student body organization established in another community college of the District for a period not to exceed three years.

- Investment of money in permanent improvements to any community college District property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadiums and playing fields, where those facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, or when those improvements are for the benefit of the student body.

All funds shall be expended subject to such procedures as may be established by the Associated Student Body subject to the approval of each of the following three persons. Approval shall be obtained each time before any funds may be expended:

- the President of the College or designee;
- the officer or employee of the District who is the designated advisor of the particular student body organization; and
- a representative of the student body organization.

Approved by the Board of Trustees August 13, 2002

BP 5500 Standards of Conduct

Reference:

Education Code Section 66300 and 66301
Accreditation Standard II.A.7.b

The President, Vice Presidents or designee shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The Board shall consider any recommendation from the President for expulsion. The board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the college catalog and other means.

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a district employee, which is concurred in by the President of the College.
3. The manufacture, possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to district property or to private property on campus.
6. Stealing or attempting to steal district property or private property on campus, or knowingly receiving stolen district property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.

Approved by the Board of Trustees August 13, 2002

10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling, social isolation or manipulation, and cyber-bullying

11. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.

12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.

13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.

14. Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.

15. Unauthorized entry upon or use of college facilities.

16. Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.

17. Engaging in expression which is obscene; libelous or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.

18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.

See Administrative Procedures #5500

Amended by the Board of Trustees: October 9, 2012
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: February 8, 2005

Approved by the Board of Trustees August 13, 2002

AP 5500 Standards of Conduct

Reference:
Education Code Section 66300 and 66301
Accreditation Standard II.A.7.b

Definitions
The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a district employee, which is concurred in by the President of the College.
3. The manufacture, possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to district property or to private property on campus.
6. Stealing or attempting to steal district property or private property on campus, or knowingly receiving stolen district property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling, social isolation or manipulation, and cyberbullying.
11. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
14. Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.

Approved by: Gavilan College Board of Trustees 8/15/95
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: May 10, 2010
Amended by the Board of Trustees: August 13, 2013

15. Unauthorized entry upon or use of college facilities.
16. Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.
17. Engaging in expression which is obscene; libelous or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.

Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.

Academic honesty depends upon the integrity of the students and faculty. The College itself is defrauded if faculty and/or students knowingly or unwittingly allow dishonest acts to be rewarded academically. It is the faculty's responsibility to make every reasonable effort to foster honest academic conduct. If the faculty member believes that there is evidence of academic dishonestly on the part of a student it is the faculty member's responsibility to take appropriate action in accordance with this policy.

Students at Gavilan College have the right to know what constitutes academic honesty at the College and in each course in which they are enrolled. Faculty members will apprise their classes of the ethical standards required in their courses and the permissible procedures in class work and examinations. A statement referring to this information as a reference for the class will be presented in the course outline (green sheet)* and/or on the individual examination questionnaires. Students will be informed of the consequences of violating these standards, their rights of appeal, and the procedures to be followed in the appeal.

1.0 Definitions of Academic Dishonesty

a. Purposely allowing another student to copy from your paper during a test.

b. Giving your homework term paper or other academic work to another student to plagiarize.

c. Having another person submit any work in your name.

d. Lying to an instructor or university official to improve your grade.

e. Altering a graded work after it has been returned, then submitting the work for re-grading (without knowledge of the instructor).

f. Removing test(s) from classroom or any other place without instructor's approval.

g. Stealing tests or keys to tests.

h. Forging signatures on drop/add slips or other college documents.

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Amended by the Board of Trustees: August 13, 2013

1.1 Cheating

At Gavilan, cheating is the act of obtaining or attempting to obtain credit for academic work through any dishonest, deceptive, or fraudulent means. Cheating at Gavilan includes, but is not limited to:

a. Copying, in part or in whole, from another's test or other evaluation instrument or obtaining answers from another person during the test without instructor's approval.

b. Submitting work previously presented in another course, if contrary to the written rules of the course.

c. Using or consulting, during an examination, sources or materials not specifically authorized

d. Intentionally altering, changing, and/or misusing documents or records. Knowingly furnishing false information or generally interfering with grading procedures or instruction of a class.

e. Any other act committed by student(s) in the course of academic work, which defrauds and/or misrepresents, including aiding or abetting, in any of the actions defined above.

1.2 Plagiarism

a. The act of incorporating the ideas, words, sentences, paragraphs, or parts thereof, or the specific substance of another's work without giving appropriate credit, and representing the product as one's own work.

b. Representing another's artistic/scholarly works such as musical compositions, writings, computer programs, photographs, paintings, drawings, scriptures, or similar works as one's own.

2.0 Student Evaluation and Reporting

When a Gavilan faculty member, responsible for a course, has reason to believe, and has evidence to substantiate, that the behavior of a student or students falls within one or both of the above sets of definitions, it is an instructor's responsibility to take the following steps:

a. Arrange an office conference with the student and at that time advise the student of the allegations and make him or her aware of the supporting evidence and the probable consequences. Any classroom confrontation should be as discreet as possible. If, as a result of this meeting, the instructor believes that the student's response is insufficient to offset the charge of academic dishonesty to the extent that the student may be excused, the instructor will inform the student of the sanctions to be recommended or assessed in accordance with Section 3.0 of this policy.

b. At the discretion of the instructor, a written report of the infraction and the action taken may be submitted to the Vice President of Student Services with a copy to the appropriate area dean.

c. When a student, who has been informed in writing of an impending conference to discuss the alleged dishonesty, fails to attend, or when the apparent dishonesty is detected near the end of the semester and the instructor makes a good faith effort to contact the student but is unable to do so, the instructor may impose the recommended penalty and make the report called for in Section 3.1 without a conference. In either case, the student's right to appeal is preserved.

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Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: May 10, 2010
Amended by the Board of Trustees: August 13, 2013

3.0 Sanctions

There shall be two major classifications of sanctions that may be imposed for violations of this policy: Academic and Administrative. Academic sanctions will be defined as those actions related to the coursework and grades, which is the province of the instructor. Administrative sanctions concern a student's status on campus and are acted on by the Vice President of Student Services. The imposition of one variety of sanction (Academic or Administrative) will not preclude the addition of the other.

3.1 Academic Sanctions

Faculty is responsible for the type of academic sanction to be applied to students involved in incidents of cheating or plagiarism. Usually a form of "grade modification" will be employed. Before sanctions can be employed, the faculty member must have verified the instances of academic dishonesty by personal observation and/or documentation. In all cases the violation should be reported o the Vice President of Student Services with a copy provided to the appropriate dean. A student may be:

a. Reprimanded orally. A student may be referred for counseling but cannot be required to seek counseling.

b. Failed in the evaluation instrument (paper or exam).

c. Reduced course grade equal to the failed instrument.

d. Referred for Administrative Sanctions

A faculty member may choose to refer a student to the Vice President of Student Services for disciplinary action in lieu of any academic sanction or in addition to the academic action the faculty member has taken.

e. Faculty Discretion

Cases involving the careless or inept handling of quoted material but falls short of the definitions of the acts of cheating and/or plagiarism as defined in items 1.1 and 1.2 of this policy may be dealt with at the discretion of the faculty member concerned.

f. Recommended Academic Sanctions

- Violations of quoted material, but falls short of the definitions of the acts of cheating and/or plagiarism as defined in Items 1.1 and 1.2 of the policy may be dealt with at the discretion of the faculty member concerned.
- For violation of Section 1.b, the recommended sanction shall be 3.1.b, reduction in grade or failure of that evaluation instrument.
- For violations of Sections 1.1.d and 1.1.e it is recommended that the student be referred to the Vice President of Student Services for Administrative sanction in accordance with 3.1.e. For violations of Section 1.2.b of this Policy, the recommended sanction shall be 3.1.c - reduction in course grade.

3.2 Administrative Sanctions

As stipulated in the California Administrative Code, Sanction 41301, cheating or plagiarism in connection with an academic program at a campus may warrant expulsion, suspension, probation or a lesser sanction. Administrative action involving academic dishonesty at Gavilan is the responsibility of the Vice President of Student Services according to the Standards of Student Conduct and Disciplinary and Due Process Procedures.

Approved by: Gavilan College Board of Trustees 8/15/95
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: May 10, 2010
Amended by the Board of Trustees: August 13, 2013

The Vice President of Student Services will respond to:

1. Referrals from the faculty;
2. Flagrant violations of academic standards; and
3. Repeat violations as brought to his/her attention by the faculty or through the student reports filed with the Vice President of Student Services.

The Vice President of Student Services will notify faculty members involved when action has been taken.

4.0 Protection of Rights

Nothing in this Policy is intended to deny students who come within its scope appropriate "due process", including the right to be informed of the charges, the nature of the evidence supporting the charges, and to have a meeting with the faculty member, Vice President of Student Services, or other decision-makers, at which time statements and evidence on behalf of the student may be submitted. Nor is it intended to deny the right to appeal, through appropriate college channels, any decision resulting from such a meeting.

a. Academic sanctions may be appealed through the Vice President of Student Services in accordance with college policy.

b. When disciplinary suspension or expulsion is being recommended as an administrative sanction, the student has the right to a formal hearing by the Gavilan College Board of Trustees (Education Code 66017).

5.0 Dissemination of Information

a. This policy shall be published in the general catalog and the Student Handbook. There shall also be copies of this policy in every department office, in the library, in the Faculty Handbook, and copies available to all interested parties in the Office of Student Services.

b. Dissemination of this information shall be the responsibility of the Vice President of Student Services and the Vice President of Instructional Services.

c. The Vice President of Instructional Services shall submit to the ASB and the Faculty Senate annually a statistical report on the number and type of infractions and their eventual disposition.

Students who engage in any of the above are subject to the procedures outlined in AP 5520.

Approved by: Gavilan College Board of Trustees 8/15/95
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: May 10, 2010
Amended by the Board of Trustees: August 13, 2013

BP 5510 Off-Campus Student Organizations

Reference:
34 Code of Federal Regulations Section 668.46(b)(7)

The District shall work with local law enforcement agencies to monitor and assess criminal activity in which students engage at off-campus location of student organizations.

Approved by the Board of Trustees: October 9, 2012

AP 5510 Off-Campus Student Organizations

Reference

34 Code of Federal Regulations Section 668.46(b)(7)

Gavilan College Security Personnel does not provide law enforcement service to off-campus organizations nor are activities off-campus recognized by District authority.

Approved by the Board of Trustees: August 14, 2012

AP 5520 Student Discipline Procedures

Reference:
Education Code Section 66300, 72122, 76030

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

Definitions:

District. The Gavilan Joint Community College.

Student. Any person currently enrolled as a student at any college or in any program offered by the District.

Instructor. Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Short-term Suspension. Exclusion of the student by the President of the College for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction.

Long-term Suspension. Exclusion of the student by the President of the College for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion. Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class. Exclusion of the student by an instructor for the day of the removal and the next class meeting. An online instructor may block access to the class for 78 hours.

Written or verbal reprimand. An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the Vice President of Student Services for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Vice President of Student Services has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Amended by the Board of Trustees April 13, 2004

Approved by the Board of Trustees August 13, 2002

Day. Days during which the District is in session and regular classes are held, excluding Sundays.

Short-term Suspensions, Long-term Suspensions, and Expulsions:

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

Notice. The Vice President of Student Services will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:

The specific section of the Standards of Student Conduct that the student is accused of violating.
A short statement of the facts supporting the accusation.
The right of the student to meet with the Vice President of Student Services or designee to discuss the accusation, or to respond in writing.
The nature of the discipline that is being considered.

Time limits. The notice must be provided to the student within 10 school days of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within 10 school days of the date on which conduct occurred which led to the decision to take disciplinary action.

Meeting. If the student chooses to meet with the Vice President of Student Services, the meeting must occur no sooner than five (5) after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension.

Within ten (10) school days after the meeting described above, the President of the College shall, pursuant to a recommendation from the Vice President of Student Services within ten (10) days, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the President of the College decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The decision of the President of the College on a short-term suspension shall be final.

Long-term Suspension.

Within ten (10) school days after the meeting described above, the President of the College shall, pursuant to a recommendation from the Vice President of Student Services, decide whether to impose a long-term suspension. Written notice of the decision from the President of the College shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion.

Within 10 school days after the meeting described above, the President of the College shall, pursuant to a recommendation from the Vice President of Student Services, decide whether to recommend expulsion to the Board of Trustees. Written notice of the decision by the President of the College shall be provided to the student. The notice will include the right of the student to

request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures:

Request for Hearing. Within five (5) school days after receipt of the President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the President of the College or designee.

Schedule of Hearing. The formal hearing shall be held within five (5) school days after a formal request for hearing is received.

Hearing Panel. The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.

The President of the College, the President of the Academic Senate, and the ASB President shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The President of the College shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair. The President of the College shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing.

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

A college representative who shall be the Vice President of Student Services shall present the facts supporting the accusation.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by substantial evidence that the facts alleged are true.

The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the

panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 school days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask people present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.

Within ten (10) school days following the close of the hearing, the hearing panel shall prepare and send to the President of the College a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

President’s Decision:

Long-term suspension. Within ten (10) school days following receipt of the hearing panel's recommended decision, the President of the College shall render a final written decision. The President of the College may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the President of the College modifies or rejects the hearing panel's decision, the President of the College shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the President of the College shall be final.

Expulsion. Within ten (10) school days following receipt of the hearing panel's recommended decision, the President of the College shall render a written recommended decision to the Board of Trustees. The President of the College may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the President of the College modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The President of the College decision shall be forwarded to the Board of Trustees.

Approved by the Board of Trustees August 13, 2002

Board of Trustees Decision:

The Board of Trustees shall consider any recommendation from the President of the College for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122)

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the President of the College and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

Immediate Interim Suspension [Education Code Section 66017]:

The President of the College may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order.

Approved by the Board of Trustees August 13, 2002
In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class [Education Code Section 76032]:

Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Dean. The Dean shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Dean shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the

Dean from recommending further disciplinary procedures in accordance with these procedures based on the facts, which led to the removal.

Withdrawal of Consent to Remain on Campus

The Vice President of Student Services may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Vice President of Student Services a written report must be promptly made to the President of the College.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 20 school days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. [Penal Code Section 626.4]

Time Limits:

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Amended by the Board of Trustees April 13, 2004

Approved by the Board of Trustees August 13, 2002

AP 5530 Student Rights and Grievances

Reference:

Title IX, Education Amendments of 1972; Education Code Section 76224(a)

Purpose:

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972
- Sexual harassment
- Financial aid
- Illegal discrimination
- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final."
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This procedure does **not** apply to:

- Student disciplinary actions, which are covered under separate Board policies and Administrative Procedures.
- Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Definitions:

Party. The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

President. The President of the College or a designated representative of the President.

Student. A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Respondent. Any person claimed by a grievant to be responsible for the alleged grievance.

Day. Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Sundays.

Approved by the Board of Trustees August 13, 2002

Informal Resolution:

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration.

The President of the College shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes he or she has a grievance shall file a Statement of Grievance with the Grievance Officer within 10 (ten) business days of the incident on which the grievance is based, or 10 (ten) business days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of 10 (ten) business days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

Grievance Hearing Committee:

The President of the College shall at the beginning of each semester, including any summer session, establish a standing panel of 14 (fourteen) members of the college community, including 6 (six) students, 6 (six) faculty members and 2 (two) administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Faculty Senate, who shall each submit 2 (two) names to the President of the College for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include 2 (two) students, 2 (two) instructors, and 1 (one) college administrator selected from the panel described above.

- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner.

Approved by the Board of Trustees August 13, 2002

Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the President of the College who shall determine whether cause for disqualification has been shown. If the President of the College feels that sufficient ground for removal of a member of the committee has been presented, the President of the College shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.

- The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member or vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

Request for Grievance Hearing:

Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within 10 (ten) business days after filing the Statement of Grievance as described above.
Within 10 (ten) business days following receipt of the Request for Grievance Hearing, the President of the College shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

The statement contains facts which, if true, would constitute a grievance under these procedures;
The grievant is a student as defined in these procedures, which include applicants and former students;
The grievant is personally and directly affected by the alleged grievance;
The grievance was filed in a timely manner;
The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within 10 (ten) business days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within 10 (ten) business days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than 10 (ten) business days notice of the date, time and place of the hearing.

Hearing Procedure:

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

Approved by the Board of Trustees August 13, 2002

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant(s) shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant(s) to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent him or herself, and may also have the right to be represented by a person of his or her choice; except that an attorney shall not represent a party unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than 5 (five) business days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the President of the College any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than 5 (five) business days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The Grievance Officer shall record the hearing either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify him or herself by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.

All testimony shall be taken under oath; the Grievance Hearing Committee Chair shall administer the oath. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded shall be considered to be unavailable.

Within 10 (ten) business days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the President of the College a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any.

Approved by the Board of Trustees August 13, 2002

The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

President's Decision:

Within 10 (ten) business days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the President of the College shall send to all parties his or her written decision, together with the Hearing Committee's decision and recommendations. The President of the College may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the President of the College does not accept the decision or a finding or recommendation of the Hearing Committee, the President of the College shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the President of the College shall be final, subject only to appeal as provided below.

Appeal:

Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the President of the College within 5 (five) business days of that decision. The President of the College shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Time Limits:

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Approved by the Board of Trustees August 13, 2002

BP 5550 Speech: Time, Place and Manner

Reference:

Education Code Section 76120, 66301

The College District is a non-public forum, except for those areas designated as Free Speech Areas, which are limited public forums. The President of the College shall enact such administrative procedures that are necessary to reasonably regulate the time, place and manner of the exercise of free expression in the limited public forums.

The administrative procedures promulgated by the President of the College shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards designated for such use, the distribution of printed materials or petitions in those parts of the college designated as Free Speech areas, and the wearing of buttons, badges, or other insignia.

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

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

Nothing in this policy shall prohibit the regulation of hate violence, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, intimidation, or hate violence unless such speech is constitutionally protected.

See Administrative Procedures #5550

Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees August 13, 2002

AP 5550 Speech: Time, Place, and Manner

Reference:

Education Code Section 76120, 66301

The students of the District shall be permitted to exercise their rights of free expression subject to the time, place and manner policies and procedures contained in Board Policy, 5550 and these procedures.

The College District is a non-public forum, except for *a* designated Free Speech Area, as follows: Gazebo, located North of Cafeteria.

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

The use of Free Speech Areas is subject to the following:

- Persons using the Free Speech Area and/or distributing material in the Free Speech Area shall not impede the progress of passersby, nor shall they force passersby to take material.
- No person using the Free Speech Area shall touch, strike or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
- Persons using a Free Speech Area shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place at that time.
- No persons using the Free Speech Area shall solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the Free Speech Area on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club.

All persons using the Free Speech Area of the college shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the Free Speech Area. Material distributed in the Free Speech Area that is discarded or dropped in or around the Free Speech Area other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the Free Speech Area that day.

Posting:

Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting by the Vice President of Student Services or designee. Materials displayed shall be removed after the passage of ten (10) days.

Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees January 13, 2004

Approved by the Board of Trustees August 13, 2002

BP 5700 Athletics

Reference:

Education Code Sections 78223, 66271.6, 66271.8, 67360 et seq.

The District shall maintain an organized program for men and women in intercollegiate athletics. The program shall not discriminate on the basis of gender in the availability of athletic opportunities.

The President of the College shall assure that the athletics program complies with the California Community Colleges Commission on Athletics Constitution and Sports Guides, and appropriate Conference Constitution regarding student athlete participation.

See Administrative Procedures #5700

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees August 13, 2002

AP 5700 Athletics

Reference:

Title IX, Education Amendments of 1972, Education Code 66271.6, 66271.8, 67360 et seq.

Intercollegiate Athletics

In accordance with Rules of Student Conduct, every student-athlete shall:

- Show exemplary conduct on and off campus.
- Adhere to College rules and laws of the community with respect to individuals and property.
- Dress and behave appropriately when representing athletics and the College. Any questions with respect to appropriate dress and/or behavior should be referred to the Head Coach of the sport or an available Assistant Coach.
- Attend all of his/her class sessions. Regular attendance and consistent study are student-athlete responsibilities and the two factors, which contribute most to a successful college experience. Failure to attend classes can result in a lower grade or dismissal from the class. A student-athlete is likely to be required to miss class from time to time in order to travel to competitions. It is his/her responsibility to make arrangements for assignments with each instructor prior to an absence.
- Travel to, and return from, out-of-town contests in transportation provided by the College, unless prior arrangements have been made with the Head Coach and the Athletic Director. These arrangements must meet specific guidelines set forth by the Athletic Director. The Head Coach shall be responsible for the student-athlete until the trip concludes.
- Treat all equipment with respect, as if it were his/her own personal property. Each student-athlete will be responsible for all athletic equipment checked out. Grades may be withheld until all missing equipment is returned in satisfactory condition or until the College has been financially reimbursed.

Student-Athlete Responsibilities

Gavilan Community College has established rules that are meant to give you and your teammates the best possible chance for academic and athletic success. During the season of your sport, you must:

- Meet all Commission on Athletics, Conference, and College rules that pertain to eligibility and conduct. Your Head Coach and/or Athletic Director will review these rules with you.
- Comply with established team and department regulations and standards.
- Avoid the use of drugs, steroids, and abuse of alcohol.
- Meet all academic and athletic appointments and obligations promptly and regularly.
- Make progress toward educational goals.
- Conduct yourself in a positive manner, both on and off the field, court or track.

Approved by the Board of Trustees August 13, 2002

- Demonstrate loyalty to your teammates, teachers, and coaches, as well as, to the College and community.

- Demonstrate respect for personnel, equipment, and facilities.

Standards of Conduct

Any student who has met the admissions and athletic eligibility requirements may try out for intercollegiate athletics. When a student becomes a member of a team, representing Gavilan Community College, he/she shall be subject to conduct standards of the College, the Athletic Department, the Coast Conference and the Commission on Athletics in which the College is a member.

The Athletic Department has developed Student-Athlete Responsibilities (referred to above). These responsibilities are based on the premise that athletes representing Gavilan Community College will be in the public eye, and their personal conduct must reflect favorably upon the team, the College, and the community.

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees August 13, 2002

BP 5800 Prevention of Identity Theft in Student Financial Transactions

Reference:

Fair and Accurate Credit Transactions Act, (15 U.S.C. 1681m(e))

The District is required to provide for the identification, detection, and response to patterns, practices, or specific activities ("Red Flags") that could indicate identity theft of students when the District serves as creditor in relation to its students. When applicable, the Superintendent/President, Vice President of Administrative Services or designee is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

Approved by the Board of Trustees: October 9, 2012

AP 5800 Prevention of Identity Theft in Student Financial Transactions

Reference*:*
Fair and Accurate Credit Transactions Act, (15 U.S.C. 1681m(e))

1. The Purpose of the Identity Theft Prevention Program

The purpose of this Identity Theft Prevention Program (ITPP) is to control reasonably foreseeable risks to students from identity theft by providing for the identification, detection, and response to patterns, practices, or specific activities ("Red Flags") that could indicate identity theft.

2. Definitions

a. Identity Theft - A fraud attempted or committed using identifying information of another person without authority.

b. Creditor - A "creditor" includes government entities who defer payment for goods (for example, payment plans for a bookstore account, or parking tickets) issued loans or issued student debit cards. Government entities that defer payment for services provided are not considered creditors for purposes of this ITPP.

c. Deferring Payment - Refers to postponing payments to a future date and/or installment payments on fines or costs.

d. "Covered Account" - An account that involves multiple payments or transactions.

e. Person - Any individual who is receiving goods, receives a loan, and/or is issued a debit card from the District and is making payments on a deferred basis for said goods, loan, and/or debit card.

Detection or discovery of a "Red Flag" implicates the need to take action under this ITPP to help prevent, detect, and correct identity theft.

3. Detecting "Red Flag" For Potential Identity Theft

a. Risk Factors for Identifying "Red Flags"

The District will consider the following factors in identifying relevant "Red Flags":

1. The types of covered accounts the District offers or maintains
2. The methods the District provides to open the Districts covered accounts
3. The methods the District provides to access the District's covered accounts; and
4. The Districts' previous experiences(s) with identity theft.

b. Sources of "Red Flags"

The District will continue to incorporate relevant "Red Flags" into this ITPP from the following sources

1. Incidents of identity theft that the District has experienced
2. Methods of identity theft that the District identifies that reflects changes in identity theft risks; and
3. Guidance from the District's supervisors who identify changes in identity theft risks.

c. Categories of "Red Flags"

The following "red Flags" have been identified for the District's covered accounts:

1. *Alerts Notifications, or Warnings from A Consumer Reporting Agency*
    - A fraud or active duty alert is included with a consumer report the District receives as part of a background check.
    - A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
    - A consumer reporting agency provides a notice of address discrepancy. An address discrepancy occurs when a address provided by a student substantially differs from the one the credit reporting agency has on file. See Section (V)(9) for specific steps that must be taken to address this situation.
    - A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant, such as:
        - A recent and significant increase in the volume of inquiries
        - An unusual number of recently established credit relationships.
        - A material change in the use of credit, especially with respect to recently established credit relationships; or
        - An account that was closed for cause or identified for abuse of account privileges by creditor or financial institution.
2. *Suspicious Documents*
    - Documents provided for identification appear to have been forged or altered.
    - The photograph of physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
    - Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification
    - Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check.
    - An application appears to have been altered or forged, or gives the appearance of having been destroyed or reassembled.
3. *Suspicious Personally Identifying Information:*
    - Personal identifying information provided is inconsistent when compared against external information sources used by the District. For example:
        - The address does not match any address in the consumer report, or
        - The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
    - Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example: there is a lack of correlation between the SSN range and date of birth.
    - Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources used by the District. For example:
        - The address on an application is the same as the address provided on a fraudulent application;
        - The phone number on an application is the same phone number provided on a fraudulent application;
    - The SSN provided is the same as that submitted by other persons currently being served by the District
    - The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.

- The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- Personal identifying information provided is not consistent with personal identifying information that is on file with the District.
- The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

4. *Unusual Use of – or Suspicious Activity Relating to – A Covered Account*
   - A new covered account is used in a manner that is commonly associated with known patterns of fraud patters. For example, a person makes a first payment, but there are no subsequent payments made.
   - A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example, there is:
     - Non-payment when there is no history of late or missed payments; or
     - A material change in electronic fund transfer patters in connection with a payment.
   - A covered account that has been inactive for a reasonably lengthy period of time is suddenly used or active.
   - Mail sent to the person holding the covered account is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the person's covered account.
   - The District is notified that the person is not receiving paper account statements.
   - The District is notified of unauthorized transactions in connection with a person's covered account.
5. *Notices from Customers/Persons, Victims of Identity Theft, Law Enforcement Authorities, or Other Businesses About Possible Identity Theft in Connection with Covered Accounts*
   - The District is notified by a person with a covered account, a victim of identity theft, a law enforcement authority, o any other person, that it has opened a fraudulent account for a person engaged in identity theft.

4. Measures to Detect "Red Flags"

The District shall do the following to aid in the detection of "Red Flags"

a. When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two forms of identification shall be obtained (at least one of which must be a photo identification)

   The following are examples of the types of valid identification that a person may prove to verify the identity of the person seeking to open the covered account: valid state-issued driver's license, valid state-issued identification card, current passport, a home or invoice/statement for property taxes

b. Persons with covered accounts who request a change in their personal information on file, such as a change of address will have the requested changes verified by the District.

   The personal shall provide at least one written form of verification reflecting the requested changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a

phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

5. Preventing and Mitigating Identity Theft

One or more of the following measures, as deemed appropriate under the particular circumstances, shall be implemented to respond to "Red Flags" that are detected:

a. Monitor the covered account for evidence of identity theft

b. Contact the person who holds the account

c. Change any passwords, security codes, or other security devices that permit access to a covered account

d. Reopen the covered account with a new account number

e. Not open a new covered account for the person

f. Close an existing covered account

g. Not attempt to collect on a covered account or sell a covered account to a debt collector

h. Notifying law enforcement

i. Where a consumer reporting agency provides an address for a consumer that substantially differs from the address that the consumer provided, the District shall take the necessary steps when there is reasonable belief that the District knows the identity of the person for whom the District obtained a credit report, and reconcile the address of the consumer with the credit reporting agency, if the District establishes a continuing relationship with the consumer, and regularly, and in the course of business, provides information to the credit reporting agency; or

j. Determine that no response is warranted under the particular circumstances.

6. Updating the ITPP

The District shall update this ITPP on an annual basis to reflect changes in risks to persons with covered accounts, and/or to reflect changes in risks to the safety and soundness of the District from identity theft, based on the following factors:

a. The experiences of the District with identity theft

b. Changes in methods of identity theft

c. Changes in methods to detect, prevent and mitigate identity theft

d. Changes in the types of covered accounts that the District maintains

e. Changes in the business arrangements of the District, including service provider arrangements.

7. Methods for Administering the ITPP

a. Oversight of the ITPP

Oversight by the Districts Vice President of Administrative Services or designee shall include:

1. Assigning specific responsibility for the ITPP's implementation
2. Reviewing reports prepared by the staff regarding compliance of the ITPP, and
3. Approving material changes to the ITPP as necessary to address changing identity theft risks.

b. Reports

1. *In General*

Approved by the Board of Trustees: August 14, 2012

Staff responsible for the development, implementation, and administration of this ITPP shall report to the Governing Board on an annual basis

2. *Contents of Report*

   The report shall address material matters to the ITPP and evaluate the following issues: the effectiveness of the policies and procedures in addressing the risk of identity theft in connection with opening new covered accounts wand with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the ITPP.

3. *Oversight of Service Provider Arrangements*

   Whenever the District engages a service provider to perform an activity in connection with one or more covered accounts, the District shall take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. To that end, the District shall require our service contractors, by contract, to have policies and procedures to detect relevant "Red Flags" that may arise in the performance of the service provider's activities, and either report the "Red Flags" to the District, or to take appropriate steps to prevent or mitigate identity theft.