GAVILAN COLLEGE

5055 Santa Teresa Blvd., Gilroy, CA 95020 www.gavilan.edu (408) 848-4800
Steven M. Kinsella, DBA, CPA, Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
REGULAR MEETING, BOARD OF TRUSTEES
Tuesday, August 14, 2012
5055 Santa Teresa Boulevard, Gilroy, CA 95020
Social Science Building, Room 206
CLOSED SESSION – 6:00 p.m. OPEN SESSION – 7:00 p.m.

AGENDA

I. CALL TO ORDER 6:00 p.m.
   1. Roll Call
   2. Comments from the Public – this is a time for the public to address the Board
   3. Recess to Closed Session (A maximum of 5 minutes will be allotted to each speaker.)

CLOSED SESSION 6:00 p.m.
Notice is hereby given that a closed session of the Board will be held under the general provisions of Section(s) 54954.5, 54956.8, 54956.9, 54957, 54957.6 of the Government Code. The subject(s) of discussion:

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

CONFERENCE WITH LABOR NEGOTIATORS
   Agency negotiator(s): Susan Cheu/Richard Alfaro/Eric Ramones/Joe Keeler
   Employee organization: CSEA

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code §54956.8)
   Property: 555 Bailey Avenue, San Jose, CA 95141
   Agency Negotiator: Dr. Steven M. Kinsella
   Negotiating Parties: IBM
   Under Negotiation: Terms of payment, conditions

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code §54956.8)
   Property: Briggs Building, 365 Fourth Street, Hollister, CA 95023
   Agency Negotiator: Dr. Steven M. Kinsella
   Negotiating Parties: City of Hollister
   Under Negotiation: Terms of payment, conditions

II. OPEN SESSION 7:00 p.m.
   1. Call to Order
   2. Roll Call
   3. Pledge of Allegiance
   4. Report of any Action Taken in Closed Session

Board of Trustees: Tom Breen
                   Walt Glines
Kent Child
Tony Ruiz
Mark Dover
Laura A. Perry, Esq.
Jonathan Brusco
5. Consent Agenda
   (a) Regular Board Minutes, July 10, 2012, Ad Hoc Educational Site Committee Summary of Notes, August 1, 2012, Board Policy Subcommittee Minutes, July 10 and August 6, 2012
   (b) Personnel Actions
   (c) Warrants and Electronic Transfers Drawn on District Funds
   (d) Ratification of Agreements

6. Approval of Agenda
7. Comments from the Public - this is a time for the public to address the Board
8. Recognitions (A maximum of 5 minutes will be allotted to each speaker.)
9. Officers' Reports
   (a) Vice Presidents
   (b) College President
   (c) Academic Senate
   (d) Professional Support Staff
   (e) Student Representative
   (f) Board Member Comments
   (g) Board President

10. Board Committee Reports
11. Information/Staff Reports
   (a) Recognition of the Employees of the Month
   (b) Board Policies and Administrative Procedures
   (c) 2012 Community Spirit Awards
   (d) Financial Aid Department Update
   (e) Accreditation Update and SLO Report
   (f) Report on Underground Storage Tank Clean-up Project
   (g) Retiree Health Benefit Trust Investment Portfolio Status as of June 30, 2012

III. ACTION ITEM
1. New Business
   * (a) Child Development Contract #CCTR1319, Amendment 02, Program Type: General Child Care and Development Programs, Project Number: 43-6947-00-1 and Resolution #945
   * (b) Child Development Contract #CSPP-1572, Amendment 02, Program Type: California State Preschool Program, Project Number: 43-6947-00-1 and Resolution #946
   (c) Updated Instructional Services Agreement for Carpenters Training Committee
   (d) Board Policies
   (e) Title V Hartnell Partnership Grant
   (f) Return of Child Development Center Contract #CCTR - 2299, General Child Care and Development Programs, Project #436947-00-2
   (g) Budget Adjustments
   (h) BFGC-IBI Group Architecture and Planning (BFGC) Project Assignment Amendments (PAAs) for Consulting Services for an Education Center Feasibility Study

IV. CLOSING ITEMS
1. The next regularly scheduled Board meeting is September 11, 2012, Gavilan College, Student Center, North/South Lounges.
2. Adjournment

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

A maximum of 5 minutes will be allotted to each speaker with a maximum of 20 minutes to a subject area.
No disruptive conduct will be permitted at any Gavilan College Board of Trustees meeting.

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

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

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

Please help keep Gavilan College a litter-free campus and preserve its park-like setting. Thank you.
http://www.gavilan.edu
CONSENT
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

Consent Agenda Item No.  5.  (a)
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT:  Regular Board Minutes, July 10, 2012, Ad Hoc Educational Site Committee
Summary of Notes, August 1, 2012, Board Policy Subcommittee Minutes, July 10 and August 6,
2012

☐ Resolution:  BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal:
That the Board approve the regular Board meeting minutes from July 10, 2012 and the

Background:

Budgetary Implications:

Follow Up/Outcome:

Recommended By:  Dr. Steven M. Kinsella, Superintendent/President

Prepared By:  Angie Oropeza, Executive Assistant

Agenda Approval:  

Dr. Steven M. Kinsella, Superintendent/President
I. **CALL TO ORDER 6:00 p.m.**  
The meeting was called to order by Laura Perry at 6:17 p.m.

1. **Roll Call**  
   Trustees: Laura Perry, Tony Ruiz, Mark Dover, Kent Child, Tom Breen, Jonathan Brusco, Walt Glines

2. **Comments from the Public – this is a time for the public to address the Board**  
   None

3. **Recess to Closed Session**  
The meeting recessed to closed session at 6:18 p.m.

II. **OPEN SESSION 7:00 p.m.**  
1. **Call to Order**  
The meeting was called to order by Laura Perry at 7:04 p.m.

2. **Roll Call**  
   Trustees: Laura Perry, Tony Ruiz, Mark Dover, Kent Child, Tom Breen, Jonathan Brusco, Walt Glines

   Dr. Steven M. Kinsella, Superintendent/President  
   Dr. Kathleen Rose, Executive Vice President, Instructional Services  
   Joe Keeler, Vice President, Administrative Services  
   John Pruitt, Vice President, Student Services  
   Dr. John Lawton-Haefl, Academic Senate  
   Angie Oropeza, recording secretary

   Others in attendance: Susan E. Alonzo, Diane Stone, Fran Lozano, Susan Sweeney,  
   Terry Newman, Jan Bernstein Chargin

3. **Pledge of Allegiance**  
The pledge of allegiance was led by Jonathan Brusco.

4. **Report of Any Action Taken in Closed Session**  
   No action was taken in closed session.

5. **Consent Agenda**  
   (a) Regular Board Meeting Minutes, June 12, 2012 and Facilities Development and Utilization Committee Minutes, June 27, 2012  
   (b) Personnel Actions  
   (c) Warrants and Electronic Transfers Drawn on District Funds  
   (d) Ratification of Agreements  
   MSC (M.Dover/K.Child) 7 ayes, 0 nays, to approve

6. **Approval of Agenda**  
   MSC (T.Breen/T.Ruiz) 7 ayes, 0 nays, to approve
7. Comments from the Public - this is a time for the public to address the Board. 
Diane Stone, Kinesiology Department, invited the Board to the second annual welcome back BBQ for student athletes on August 24. 
Leah Halper, GCFA President, congratulated faculty of the year Sabrina Lawrence and Peter Howell. She thanked the Board for their leadership and resolution and everyone who worked on making changes to the Task Force on Student Success recommendations. The advocacy has had an effect on beating back some of the challenges. She reported that a survey on the new evaluation process for part-time faculty indicates that both the full-time faculty doing the evaluations and the part-time faculty have found the process to be positive. She also thanked the Board and others who made it possible for her to take a leave in May to travel to Italy. Laura Perry thanked her for taking the lead in working on the student success bill.

8. Officers' Reports
(a) Vice Presidents
Dr. Kathleen Rose reported that the summer session is in full swing. She reviewed the faculty flex reports and stated that faculty are doing amazing things with the ten days of flex time to achieve their professional development goals such as attending and presenting workshops, taking courses, writing curriculum, engaging in key conversations throughout the state, and bringing back that information to their departments. She also reported that the college has been awarded another Title 5 grant. We are one of 19 awarded nation-wide and one of five in California. Thank you to Sherrean Carr and her faculty for their work. Some of the goals of the grant include creating pathways in the Career Technical Education area specifically with CSUMB. The grant is for $2.7 million over the next five years.
John Pruitt reported that student services received a grant for $147,000 each year for two years to support student mental health. The focus will be on building partnerships with community partners who can help our students, counseling will do professional development with faculty and staff, and a student mentor program. Thank you to Randy Brown, Anne Ratto, and Alice Dufresne-Reyes who worked on the grant. We are one of nine colleges in the state that was awarded. He also reported that a student welcome center and open lab has been set up in one of the offices off the admissions lobby. It is staffed with the support of financial aid and student workers. Students are greeted and assisted with My Gav, and other information.

(b) College President
Dr. Steve Kinsella reported that we will be hosting the State Chancellor and the Foundation for Community Colleges on July 24. Members of our communities have also been invited. The accreditation process is continuing under the leadership of Kathleen Rose and Ken Wagman. Kathleen Rose presented to Accreditation Commission staff regarding our work on SLOs and the assessment process. Congratulations to Kathleen and everyone who worked on submitting the first report, which was accepted. It all helps us as we go through the accreditation process. He will be heading an accreditation team for Bakersfield College in October. He also reported that the state budget has been signed. If the ballot measure passes in November, we will receive growth funding. If it doesn't pass we will lose funds. Once we start the fiscal year it is difficult to make changes mid-year, but we have lined up the reserves in a way that we can tap them so we can move through the fiscal year. We may make some reductions in 2013-14 through the Expenditure Reductions Task Force if necessary; it is not something we can’t handle.

(c) Academic Senate
Dr. John Lawton-Haeohl reported that the Senate met today but didn’t have a quorum. The next meeting is August 14.

(d) Professional Support Staff
No report
(e) Student Representative
   No report

(f) Board Member Comments
   Tom Breen reported that he attended a Hollister Downtown Association meeting and worked in
   their fireworks booth.
   Tony Ruiz – no report
   Walt Glines congratulated staff on the mental health grant. A task will be how we can continue
   the work after the two years of the grant. He reported that he worked at the fireworks booth
   benefiting Gavilan and Christopher High School baseball. He also reported that according to
   Dave Di Lorenzo, the First Tee summer program at Gavilan has more kids than the ones in Palo
   Alto and San Jose.
   Kent Child thanked Sherreen Carr, Kathleen Rose, and everyone who worked on the third Title
   5 grant. It speaks well of how this college is succeeding. He reported that he will be absent at
   August Board meeting; he will be at his annual ceramics wood firing in northern California.
   Mark Dover – no report
   Jonathan Brusco thanked everyone for their continued assistance. Congratulations to
   everyone who worked on the grants. He reported that he recently met with Supervisor
   Mike Wasserman who was very interested and supportive of the college.

(g) Board President
   Laura Perry congratulated Terry Newman for the summer camps; her grandson had a great
   experience. She reported that she recently met a graduate who told her she loved Gavilan and
   had a great experience and is now heading to SJSU. She wanted to pass that along to the
   Board in light of what is going on in the state and the bottom line is, that truly is the reason we
   are all here; to turn out students like that.

9. Board Committee Reports
   Tom Breen reported that the Facilities Development and Utilization Committee met on June 27,
   minutes are in the packet. Kent Child reported that the Policy Committee met earlier today and
   reviewed and approved the policies and procedures that are on the Board agenda for information.

10. Information/Staff Reports
    (a) Policies and Procedures
        Steve Kinsella reported that we are at a point where a lot of changes have come through the
        Community College League Policy service. We are picking up the regulatory changes that
        include the ed. code, title 5, accreditation, etc. Administrative Procedures are approved by the
        Superintendent/President and come to the Board for information and input. Board Policies
        come to the Board for a first reading as information and a second reading for action. All
        policies and procedures have gone through the shared governance process and the Board
        Policy Subcommittee reviewed and approved them at their earlier meeting tonight.

    (b) Redistricting Update
        Steve Kinsella reported that a workshop will be scheduled for the Board with an attorney and
        demographer to continue to review redistricting information.

    (c) Proposed Legislation and State Budget
        Steve Kinsella reported that several items from the Student Success Task Force have been
        cleared by Board of Governors. Some of the recommendations require a lot of resources.
        Without a change of resources it will be difficult. He has expressed those concerns and will
        continue to work on it. The grants have helped to ease some costs from the general fund. We
        continue to work to keep the capacity. We are in a good position as we move forward in the
        next year. In response to Walt Glines, John Pruitt stated that our fall enrollment is trending at
        approximately 1-2% down as the same as last year.
(d) Santa Clara County Treasury Investment Portfolio Status as of March 31, 2012
Joe Keeler reported that this report is the status of the portfolio as of March 31.

(e) Monthly Financial Report
Joe Keeler reported that this report is as of June 15, everything is trending as it should.

III. ACTION ITEM
1. New Business
   * (a) Child Development Contract # CCTR-2299, General Child Care and Development Programs,
       Project #43-6947-00-2 and Resolution #943
       MSC (T.Breen/M.Dover) roll call vote: 7 ayes: Laura Perry, Tony Ruiz, Mark Dover, Kent Child,
       Tom Breen, Jonathan Brusco, Walt Glines, 0 nays, to approve

   * (b) Child Development Contract # CSPP-2556, Program Type: California State Preschool Program,
       Project Number: 43-6947-00-2 and Resolution #944
       MSC (M.Dover/K.Child) roll call vote: 7 ayes: Laura Perry, Tony Ruiz, Mark Dover, Kent Child,
       Tom Breen, Jonathan Brusco, Walt Glines, 0 nays, to approve

   (c) Subsidized and Community Preschool Programs Enrollment Handbook
       MSC (W.Glines/M.Dover) 7 ayes, 0 nays, to approve

   (d) Authorization to Identify and/or Increase Other Postemployment Benefit (OPEB) Annual Required
       Contributions (ARC)
       Joe Keeler reported that we are able to withdraw from the trust to reimburse us for the pay as you
       go amounts for current retirees. In talking to auditors about how to increase our payment, they
       asked that we take an action item to the Board authorizing that flexibility when we know more
       about how we need to accommodate these calculations.
       MSC (W.Glines/K.Child) 7 ayes, 0 nays, to approve

   (e) Budget Adjustments
       MSC (T.Breen/W.Glines) 7 ayes, 0 nays, to approve

   * (f) Five Year Capital Construction Plan and Final and Initial Project Proposals, Resolution Nos. 941
       and 942
       MSC (W.Glines/M.Dover) 7 ayes: Laura Perry, Tony Ruiz, Mark Dover, Kent Child, Tom Breen,
       Jonathan Brusco, Walt Glines, 0 nays to approve Resolution #941
       MSC (W.Glines/M.Dover) 7 ayes: Laura Perry, Tony Ruiz, Mark Dover, Kent Child, Tom Breen,
       Jonathan Brusco, Walt Glines, 0 nays to approve Resolution #942

   (g) BFGC-IBI Group Architecture and Planning (BFGC) Project Assignment Amendments (PAAs) for
       the HVAC Control Replacement Project, Electrical Transformer Loop Project, and STEM Grant
       Consulting
       MSC (T.Breen/T.Ruiz) 7 ayes, 0 nays, to approve

IV. CLOSING ITEMS
1. The next regularly scheduled Board meeting is August 14, 2012, Gavilan College, Social Science
   Building, Room 206

2. Adjournment
   The meeting was adjourned by consensus at 7:57 p.m.

*Roll Call Vote
GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
AD HOC EDUCATIONAL SITE COMMITTEE
TO THE BOARD OF TRUSTEES
Wednesday, August 1, 2012
5055 Santa Teresa Boulevard, Gilroy, CA 95020
Social Science Building, Room 206
OPEN SESSION – 5:00 p.m.

SUMMARY OF NOTES

I. CALL TO ORDER 5:00 p.m.
The meeting was called to order at 5:02 p.m. by Laura Perry

1. Roll Call
   Trustees: Laura Perry, Kent Child, Walt Glines
   Others in attendance: Dr. Steven M. Kinsella, Joe Keeler, Jeff Gopp

2. Comments from the Public
   None

II. INFORMATION/DISCUSION
1. Update on Possible Educational Site Locations in Coyote Valley and San Benito County
   Concerning San Benito County, the committee reviewed a number of different options for a possible educational site that were contained in the agenda packet. After discussion, staff were instructed to review possible educational sites adjacent to the Briggs Building in Hollister.

   Concerning Coyote Valley, the committee reviewed information relating to the IBM complex and possible building configurations.

III. CLOSING ITEMS
1. Adjournment
   The meeting was adjourned by consensus at 6:25 p.m.
GAVALAN JOINT COMMUNITY COLLEGE DISTRICT
BOARD POLICY SUBCOMMITTEE
TO THE BOARD OF TRUSTEES
Tuesday, July 10, 2012
OPEN SESSION – 5:30 P.M.
Gavilan College 5055 Santa Teresa Blvd., Gilroy, CA 95020
Social Science Building Room 206

MINUTES

I. OPEN SESSION 5:30 p.m.
   1. Call to Order
      The meeting was called to order by Laura Perry at 5:36 p.m.

   2. Roll Call
      Subcommittee Trustees: Laura Perry, Tony Ruiz, Kent Child
      Dr. Steven M. Kinsella, Superintendent/President
      Dr. Kathleen Rose, Executive Vice President, Student Services
      John Pruitt, Vice President, Student Services
      Joe Keeler, Vice President, Administrative Services
      Angie Oropeza, Recording Secretary

   3. Approve Minutes, September 19, 2011
      MSC (T.Ruiz/K.Child) 3 ayes, 0 nays to approve.

   4. Comments from the Public - this is a time for the public to address the Committee
      None

II. DISCUSSION ITEM
   1. The following policies and procedures have been routed through the shared
      governance process for input and will be presented for information at the July 10, 2012
      Regular Board Meeting:

      President’s Office
      AP 2712 Conflict of Interest Code
      BP 3440 Service Animals
      AP 3440 Service Animals
      BP 3560 Alcoholic Beverages
      AP 3560 Alcoholic Beverages

      Instructional Services
      BP 4020 Program, Curriculum, and Course Development
      AP 4020 Program, Curriculum, and Course Development
      AP 4102 Occupational/Vocational Technical Programs
      AP 4105 Distance Education

   2. The following policies and procedures are the most recent revisions received. They
      will be routed through the shared governance process for input and will be presented
      for information at a future Regular Board Meeting.

      President’s Office
      BP 2015 Student Member(s)
      BP 2105 Election of Student Members
      AP 2105 Election of Student Members
      BP 2345 Public Participation at Board Meetings
BP 2730  Health Benefits
BP 2750  Board Member Absence from the State
BP 3200  Accreditation
AP 3200  Accreditation
BP 3410  Non-Discrimination
AP 3410  Non-Discrimination
AP 3500  Campus Safety
BP 3570  Tobacco and Smoke-Free Environment and Cessation/Prevention
AP 3570  Tobacco and Smoke-Free Environment and Cessation/Prevention
AP 3600  Auxiliary Organizations
BP 3820  Gifts

Instructional Services
BP 4040  Library Services
AP 4250  Probation
AP 4260  Pre-Requisites and Co-Requisites

Student Services
BP 3900  Speech: Time, Place, and Manner (formerly numbered AP 5550)
AP 3900  Speech: Time, Place, and Manner (formerly numbered AP 5550)
AP 4225  Course Repetition
BP 5010  Admissions
AP 5010  Admissions
AP 5011  Admission and Concurrent Enrollment of High School and Other Young Adult Students
AP 5013  Students in the Military
AP 5015  Resident Determination
AP 5020  Non Resident Tuition
AP 5030  Fees
AP 5031  Instructional Materials Fees
AP 5040  Student Records Directory Information, and Privacy
AP 5075  Course Adds and Drops
BP 5130  Financial Aid
AP 5130  Financial Aid
BP 5140  Disabled Students Programs and Services
AP 5140  Disabled Student Programs and Services
BP 5500  Standards of Conduct
BP 5510  Off-campus Student Organizations

Dr. Steve Kinsella reported that we are at a point where a lot of changes have come through the Community College League Policy service. We are picking up the regulatory changes including the ed. code, title 5, accreditation, etc. Others changes specific to Gavilan will be coming in later to the Board after they go through the shared governance process. Administrative Procedures are approved by the Superintendent/President and come to the Board for information and input. Board Policies come to the Board for a first reading as information and a second reading for action. Tony Ruiz stated that policies on standards of conduct can be difficult to write as they can be subjective. He would like to see policies such as health, energy, and conservancy, specific to this district.

MSC (K.Child/T.Ruiz) 3 ayes, 0 nays to approve as corrected.

III. CLOSING ITEMS
1. Adjournment
   The meeting was adjourned by consensus at 5:55 p.m.
I. OPEN SESSION 5:30 p.m.
   1. Call to Order
      The meeting was called to order by Laura Perry at 5:30 p.m.

   2. Roll Call
      Subcommittee Trustees: Laura Perry, Tony Ruiz, Kent Child
      
      Dr. Steven M. Kinsella, Superintendent/President
      Joe Keeler, Vice President, Administrative Services
      Angie Oropeza, Recording Secretary

   3. Approve Minutes, July 10, 2012
      MSC (T.Ruiz/K.Child) 3 ayes, 0 nays, to approve.

   4. Comments from the Public - this is a time for the public to address the Committee
      None

II. DISCUSSION ITEM
   1. The following policies and procedures are proceeding through the shared governance
      process for input and will be presented for information at the Regular Board Meeting,
      August 14, 2012.

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<tr>
<th>Chapter 3</th>
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<tr>
<td>BP 3430 / AP 3430</td>
<td>Prohibition of Harassment</td>
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<td>Discrimination and Harassment Investigations</td>
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<td>BP 3501 / AP 3501</td>
<td>Campus Security and Access</td>
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<td>BP 3505 / AP 3505</td>
<td>Emergency Response Plan</td>
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<td>AP 3515</td>
<td>Reporting of Crimes</td>
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<td>BP 3530</td>
<td>Weapons on Campus</td>
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<td>Sexual Assaults on Campus</td>
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<td>BP 7210</td>
<td>Academic Employees</td>
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<td>AP 7212</td>
<td>Temporary Faculty</td>
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Joe Keeler reported that all the items have to do with changes in regulations or the law and come through us from the Community College League Policy Service. Steve Kinsella and Joe Keeler gave the following information in response to requests for clarification:

- Concerning Board policy 3430, Prohibition of Harassment, there are a number of issues that we are looking into. For example, we will be seeking a legal opinion regarding the reporting obligation process for conversations between counselors and students and whether it is considered privileged. A session with the counseling staff will be held to make sure we follow the letter of the law and still protect students and staff.
- Harassment policies and procedures cover people who may be on campus who may not be a student or staff, or rent facilities.
- Concerning Board Policy 3501I Campus Security and Access, either the Superintendent/President or one of the vice presidents is always on duty. In cases where they might be at a meeting in town, they are accessible by cell phone, and assignments for evening/weekend/holiday duty are made.
- Concerning Board Policy 5800, Prevention of Identity Theft in Student Financial Transactions, several additional offices have been security alarmed to protect student identity data.
- People who have restraining orders can forward them to security for intervention, if needed.

Steve Kinsella stated that the process is to take the policies and procedures to the full Board meeting for a first reading as information. They will be presented at President’s Council, Academic Senate, and other groups for feedback. The Board policies will be taken to the full Board meeting for a second reading and action in September or October after the faculty return and have an opportunity to review them.

Tony Ruiz stated that he would like the college to investigate the possibility of using green energy. Steve Kinsella stated that we check periodically and so far the technology and maintenance costs exceed the savings. We will review again. In addition, we can pick up those changes when the educational master plan or facilities plan is reviewed.

MSC (K.Child/T.Ruiz) 3 ayes, 0 nays to approve as corrected.

III. CLOSING ITEMS
1. Adjournment
The meeting was adjourned by consensus at 6:18 p.m.
Gavilan Joint Community College District
Governing Board Agenda
August 14, 2012

Consent Agenda Item No. 5 (b)
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT: Personnel Actions

☐ Resolution: BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal:
That the Board of Trustees approve personnel actions the District is entering into during the period of July 10, 2012 thru August 14, 2012.

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

Budgetary Implications:
Funds to pay for salaries and benefits of the assignments are included in the final budget for FY 2012-2013.

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

Recommended By: Joseph D. Keeler, Vice President of Administrative Services

Prepared By: Eric Ramones, Human Resources Director

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President

C:\WorkGroups/HR/BoardAgenda/08-14-12
A. Classified and Unclassified Personnel Actions – August 14, 2012

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

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

Marina Lares
Adapted Services Specialist
Disability Resource Center
Increase in FTE from .6 to .875
Effective: August 29, 2012

II. SHORT TERM AND SHORT TERM PEAK/TEMPORARY APPOINTMENTS

Angela Mora
Instructional Program Assistant
Liberal Arts and Sciences
June 26, 2012 to July 31, 2012

Irma Lopez
Office Assistant
Disability Resource Center
July 9, 2012 to August 23, 2012

Noemi Naranjo
Instructional Program Specialist
Liberal Arts & Sciences
June 12, 2012 to August 2, 2012

III. PROFESSIONAL EXPERTS

Adrian Andrade
Instructor
Contract and Community Education
July 1, 2012 to June 30, 2012

Amy Gilbertson
Gilroy Strike
STAR Program
July 16, 2012 to July 17, 2012

Andrew Garcia
Gilroy Strike
STAR Program
July 16, 2012

Annette Aguirre
Gilroy Strike & San Juan Bautista Costumer
STAR Program
July 17, 2012 to August 4, 2012

Anthony Donato
Assistant Football Coach
Kinesiology and Athletics
August 15, 2012 to November 30, 2012
Anthony Donato                  Football and Soccer Field Painting  
                                Kinesiology and Athletics  
                                August 15, 2012 to November 30, 2012

Anthony Johnson               Assistant Men’s Basketball Coach  
                                Kinesiology and Athletics  
                                October 15, 2012 to February 28, 2013

Barbara Graham                Gilroy Strike  
                                STAR Program  
                                July 16, 2012 to July 17, 2012

Breiana Hernandez             Gilroy Strike  
                                STAR Program  
                                July 16, 2012

Carlos Antonio Deras          Assistant Men’s Soccer Coach  
                                Kinesiology and Athletics  
                                August 15, 2012 to November 30, 2012

Christopher Boyles            Assistant Football Coach  
                                Kinesiology and Athletics  
                                August 15, 2012 to November 30, 2012

Christopher Spence            Assistant Women’s Volleyball Coach  
                                Kinesiology and Athletics  
                                August 15, 2012 to November 30, 2012

Claudia Santangelo            Instructional Assistant  
                                Community Development and Non-Credit  
                                July 23, 2012 to August 23, 2012

Dana Scribner                 Gilroy Strike  
                                STAR Program  
                                July 16, 2012 to July 17, 2012

Domingo Payne                 Instructor  
                                Contract and Community Education  
                                July 1, 2012 to June 30, 2013

Edward Arias                  Assistant Football Coach  
                                Kinesiology and Athletics  
                                August 15, 2012 to November 30, 2012

Greg A. Smith                 Gilroy Strike  
                                STAR Program  
                                July 16, 2012
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Assistant Men's Basketball Coach
Kinesiology and Athletics
October 15, 2012 to February 28, 2013

Neal Smith
Gilroy Strike
STAR Program
July 16, 2012 to July 17, 2012

Rachel Giacalone
Gilroy Strike
STAR Program
July 16, 2012 to July 17, 2012

Robert Dennis
Assistant Football Coach
Kinesiology and Athletics
August 15, 2012 to November 30, 2012

Robert Dennis
College for Youth Career Camp Presenter
Contract and Community Education
July 9, 2012 to July 12, 2012

Robert Sanchez
Assistant Baseball Coach
Kinesiology and Athletics
January 15, 2013 to May 1, 2013

Stefanie Erdman
Gilroy Strike
STAR Program
July 16, 2012 to July 17, 2012

Zyania Swenson
Gilroy Strike
STAR Program
July 16, 2012

IV. SUBSTITUTE AND/OR INTERSESSION APPOINTMENTS

Andrew Burgess
Security Officer
Security and Support Services
July 1, 2012 to June 30, 2013

Dale Ramirez
Mailroom Clerk
Security and Support Services
July 1, 2012 to June 30, 2013

David Alvarez
Mailroom Clerk
Security and Support Services
July 1, 2012 to June 30, 2013

David Alvarez
Reprographics Operator
Security and Support Services
July 1, 2012 to June 30, 2013

A. Classified and Unclassified Personnel Actions
V. REQUESTS FOR LEAVE

NONE

VI. PERMISSION TO ENROLL/STAFF DEVELOPMENT

Lucy Olivares EOPS Conference in Fresno on 10/10/2012
VII. PERMISSION TO ENROLL/PROFESSIONAL GROWTH

Connie Phillips
CSIS 8 – Introduction to the Internet

Kathryn Day
SOC 1A – Introduction to Sociology
CSIS 1 – Computer Literacy
CSIS 8 – Introduction to the Internet

Maribel Galvez
SPEA J32 – American Policing
ANTH 5 – Indians of North America

VIII. APPLICATION FOR AWARD/STAFF DEVELOPMENT
NONE

IX. APPLICATION FOR AWARD/PROFESSIONAL GROWTH

Connie Phillips
CSIS 121, CSIS 1, ACCT 20, ACCT 21, BUS 1

Marina Lares
CSIS 181, CSIS 6, CSIS 8, CSIS 126, COMM 100W, GEOL 105

X. ADDITIONAL DUTY/STIPEND
NONE

XI. VOLUNTEERS

Arielle Crews
Volunteer Worker
MESA
June 11, 2012 to July 20, 2012

Joseph Redmond
Volunteer Worker
MESA
June 11, 2012 to July 20, 2012

Sierra Sowders
Volunteer Worker
MESA
June 11, 2012 to July 20, 2012

XII. RESIGNATIONS AND RETIREMENTS
NONE
XIII. REQUEST FOR CATASTROPHIC LEAVE CREDITS

Delva Zamarron

Request approval to request donated leave credits under the Catastrophic Leave Program. The Human Resources Department has verified eligibility per Board Policy.

RECOMMENDATION: The Administration recommends approval of the above Classified & Unclassified Personnel Actions.
B. Faculty Personnel Actions – August 14, 2012

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

I. APPOINTMENTS

NONE

II. FACULTY OVERLOAD/ADDITIONAL DUTY/STIPENDS

Dale Clark  
Chemistry Equipment Retooling  
STEM  
June 1, 2012 to August 31, 2012

Gilbert Ramirez  
College for Youth Career Camp Presenter  
Contract and Community Education  
July 9, 2012 to July 12, 2012

John Lango  
Strength and Conditioning Head Coach  
Kinesiology and Athletics  
August 29, 2012 to December 15, 2012

John Lango  
Strength and Conditioning Head Coach  
Kinesiology and Athletics  
February 1, 2013 to May 24, 2013

Kevin Kramer  
Women’s Volleyball Head Coach  
Kinesiology and Athletics  
August 15, 2012 to November 30, 2012

Kevin Kramer  
Women’s Volleyball Recruiting  
Kinesiology and Athletics  
February 1, 2013 to May 31, 2013

Neal Andrade  
Baseball Head Coach  
Kinesiology and Athletics  
January 15, 2013 to May 1, 2013

Neal Andrade  
Baseball Recruiting  
Kinesiology and Athletics  
February 1, 2013 to May 31, 2013

Neal Andrade  
Baseball Field Maintenance  
Kinesiology and Athletics  
July 1, 2012 to June 30, 2013

Nicole Cisneros  
ESL Spring 2012 Workshop  
Title V
June 1, 2012 to August 18, 2012

Nikki Dequin  Softball Field Maintenance
              Kinesiology and Athletics
              July 1, 2012 to June 30, 2013

Nikki Dequin  Softball Head Coach
              Kinesiology and Athletics
              January 15, 2013 to May 1, 2013

Nikki Dequin  Softball Recruiting
              Kinesiology and Athletics
              February 1, 2013 to May 31, 2013

Robert Beede  College for Youth Career Camp Presenter
              Contract and Community Education
              July 9, 2012 to July 12, 2012

Robert Beede  Digital Media Instructor
              Career Technical Education
              May 1, 2012 to June 30, 2012

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

Adrian Andrade  Communications Instructor
                Career Technical Education
                June 11, 2012 to June 21, 2012

Alicia Juarez  Cosmetology Inventory
               Career Technical Education
               June 1, 2012 to August 31, 2012

Ann Shelley    ESL Spring 2012 Workshop
               Title V
               August 1, 2012 to August 18, 2012

Edward Alan Normandy  South Bay Regional Public Safety Consortium
                       Volunteer Instructor
                       August 14, 2012

Erik Nelson    Kinesiology Instructor
               Kinesiology and Athletics
               June 1, 2012 to July 20, 2012

Erik Nelson    Women’s Basketball Head Coach
               Kinesiology and Athletics
               October 15, 2012 to February 20, 2013
Erik Nelson  
Women’s Basketball Recruiting  
Kinesiology and Athletics  
February 1, 2013 to May 31, 2013

Jill Spencer  
Non-Credit Instructor  
Community Development and Non-Credit  
July 23, 2012 to August 23, 2012

Justin Johnson  
Men’s Soccer Head Coach  
Kinesiology and Athletics  
August 15, 2012 to November 30, 2012

Justin Johnson  
Men’s Soccer Recruiting  
Kinesiology and Athletics  
February 1, 2013 to May 31, 2013

Kathy Baameur  
ESL Spring 2012 Workshop  
Title V  
August 18, 2012

Marcus Young  
South Bay Regional Public Safety Consortium  
Volunteer Instructor  
August 14, 2012

Phillip Stoffer  
College for Youth Career Camp Presenter  
Contract and Community Education  
July 12, 2012

Rene Picazo  
South Bay Regional Public Safety Consortium  
Volunteer Instructor  
August 14, 2012

Spencer Gilford  
Football Head Coach  
Kinesiology and Athletics  
August 15, 2012 to November 30, 2012

Spencer Gilford  
Football Recruiting  
Kinesiology and Athletics  
February 1, 2013 to May 31, 2013

Tito Addison  
Men’s Basketball Head Coach  
Kinesiology and Athletics  
October 15, 2012 to February 20, 2013

Tito Addison  
Men’s Basketball Recruiting  
Kinesiology and Athletics  
February 1, 2013 to May 31, 2013
Victor Robinson                      Co-Director of Title V Grant
Title V                                
June 1, 2012 to September 30, 2012

IV. SUBSTITUTE AND/OR INTERSESSION APPOINTMENTS

Alicia Juarez                        Cosmetology Instructor
Career Technical Education           
July 1, 2012 to June 30, 2013

Dora Fortino                         Cosmetology Instructor
Career Technical Education           
July 1, 2012 to June 30, 2013

Nicolette Boyd                       Cosmetology Instructor
Career Technical Education           
July 1, 2012 to June 30, 2013

V. REASSIGNMENTS

NONE

VI. RESIGNATIONS AND RETIREMENTS

NONE

VII. REQUEST FOR LEAVE

Jane Rekedal                         Part-Time Art Instructor
Medical Leave per Labor Code 1510    
September 10, 2012 to October 7, 2012

VIII. REQUEST FOR CATASTROPHIC LEAVE CREDITS

NONE

IX. NEW FSA ASSIGNMENT

NONE

RECOMMENDATION: The Administration recommends approval of the above Faculty Personnel Actions.
C. Management/Confidential Personnel Actions – August 14, 2012

Unless otherwise, please refer to the Unrepresented Employees Salary Schedule(s) for the following personnel actions:

I. APPOINTMENTS/CONTRACT RATIFICATION AND EXTENSIONS
   NONE

II. ADDITIONAL DUTY/STIPEND
   NONE

III. SUBSTITUTE AND/OR INTERSESSION APPOINTMENTS
    NONE

IV. REQUEST FOR LEAVE
    NONE

V. PERMISSION TO ENROLL/PROFESSIONAL GROWTH
   NONE

VI. APPLICATION FOR AWARD/PROFESSIONAL GROWTH
    NONE

VII. RESIGNATIONS AND RETIREMENTS
     NONE

RECOMMENDATION: The Administration recommends approval of the above Management/Confidential Personnel Actions.
D. Administration Personnel Actions – August 14, 2012

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

I. APPOINTMENTS
   NONE

II. ADDITIONAL DUTY/STIPENDS
    NONE

III. BOARD MEMBER APPROVED ABSENCE
     NONE

IV. BOARD MEMBER RESIGNATION
     NONE

RECOMMENDATION: The Administration recommends approval of the above Administrative Personnel Actions.
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

Consent Agenda Item No. 5.(c) Administrative Services
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT: Warrants and electronic transfers drawn on District Funds

☐ Resolution: BE IT RESOLVED,

☐ Information Only

☒ Action Item

Proposal:

Background:
Attached are warrants and a list of electronic transfers drawn on district funds. In accordance with Education Code Section 85266.5 the Board of Trustees will review for ratification of warrants issued.

Budgetary Implications:
Expenditures are included in the Budget for FY 2012-2013.

Follow Up/Outcome:
No further action is required.

Recommended By: Joseph D. Keeler, Vice President of Administrative Services

Prepared By: Susan Cheu, Director Business Services

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President

C:/Board/Forms/Monthly WarrantsCvrSheet
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# Evisions IntelleCheck Check Register Report

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713 payments  Batch Total: $1,560,140.49

SUMMARY

713 payments  TOTAL: $1,560,140.49
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

Consent Agenda Item No. 5.(d) Administrative Services
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT: Ratification of Agreements

☐ Resolution: BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal:
That the Board of Trustees ratify agreements entered into pursuant to the Education Code. Attachment A is a list of agreements to be ratified.

Background:
Education Code Section 81656 authorizes the Board of Trustees to delegate authority to enter into contracts up to $81,000 subject to ratification by the Board within 60 days of issuance of agreement.

Budgetary Implications:
The contracts are funded by appropriations included in the Budget for FY 2012-2013.

Follow Up/Outcome:
No further action is required.

Recommended By: Joseph D. Keeler, Vice President of Administrative Services

Prepared By: Susan Cheu, Director Business Services

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
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Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

Department of Kinesiology & Athletics

II. 8. Recognitions

The Department of Kinesiology & Athletics is proud to announce the 2011-12 Gavilan College Student-Athlete of the Year Award presented by Famous Dave’s Legendary Pit BBQ. This year’s recipient is Emily Tonascia of the women’s volleyball team.

Background:
In 2008-09, the Rams Athletic Department teamed up with Famous Dave’s and Articulate Solutions to honor our student-athletes for their accomplishments on and off the field. (At this time, I’d like to acknowledge some folks that have made this a very special program for our student-athletes. With us this evening is Oscar Garcia from Famous Dave’s and of course the legendary Famous Wilbur. And because her schedule is so impacted at this time, Katherine Filice of Articulate Solutions couldn’t be here but sends her congrats to our recipient as well as her appreciation for being involved with Gavilan College. I’d like to thank Famous Oscar and Famous Dave’s as well as Katherine Filice and Articulate Solutions for their ongoing support to our student-athletes and Rams Athletics.)

As part of the selection process, special attention was paid specifically to four areas: academic achievement, leadership; athletic contributions; and involvement in the community. Over the course of the 2011-12 academic year, 20 individual student-athletes were recognized for their accomplishments as student-athletes of the month. As a result, each were honored with a certificate of recognition, compliments of Articulate Solutions and a $25 gift certificate from Famous Dave’s. Their names were also added to a perpetual plaque that will be proudly displayed in the foyer of the Bud Ottmar Memorial Gymnasium.

This year’s recipient of the 2011-12 Student-Athlete of the Year Award goes to Emily Tonascia of the women’s volleyball team. Emily had a cumulative grade point average of 3.58 during the academic year. She was recognized as a President’s Scholar in the fall and Dean’s Scholar in the spring terms. Additionally, she was recognized twice as a scholar-athlete.

Emily’s play on the court spoke for itself. This two time 1st Team All Coast Conference selection led the team in kills with 230 averaging 2.61 kills per set. Her kill percentage of .322 (anything above .200 is good...anything above .300 is really good.) was one of the best in the Coast Conference. Emily also recorded 51 blocks on the year. She was a key ingredient in helping the Rams return to the CCCAA State Regional Playoffs for
the third consecutive season...helping the Rams to a 16-11 overall record and 8-2 in the
tough Coast Conference.

As an active member in the community, Emily was instrumental in mentoring local
elementary school girls through the BAWSI program, an afterschool program that
promotes self-esteem development and healthy life choices through physical activity
and sport.

As a result of her hard work and determination, Emily will be playing for the Lady Oaks
at Menlo College on a volleyball scholarship.

On behalf of the Rams Athletic Department, I’d like to congratulate Emily on her
accomplishments and wish her the best of luck as she moves forward with her studies
and athletic career at Menlo.

Information provided by Ron Hannon, Dean of Kinesiology & Athletics.
INFORMATION/STAFF REPORTS
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

SUBJECT: Recognition of the Employees of the Month

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

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

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

Employee of the Month, June 2012 – Angel Andrade

Angel Andrade is a Custodian and has been with Gavilan College since 2003 becoming a permanent full time employee in 2004.

His current route consists of the Theater complex, the Human Resources complex (HR, HRC, BOB), Security/Facilities building, and the Police Academy. Angel is always willing to fill in for any custodian that is absent to complete the routes. Angel always establishes a good rapport with his customers and responds to their requests. Angel always has a smile and something nice to say to his customers.

Employee of the Month, July 2012 – Lynda Kerr

Lynda Kerr is a Senior Program Services Specialist in the Student Services department and has been with Gavilan College since 1989.

Lynda has gone above and beyond with getting the Welcome Center up and running, recruiting and training Rambassadors, and generally revitalizing and increasing the visibility of outreach to new students. She provided support to Financial Aid during one
of their busiest times by arranging for Rambassadors to be available to help students with general FA questions and document submission. Lynda has done an outstanding job in the College's efforts to encourage students to use online services like MyGav, obtain parking permits online and access the FAFSA website. She and the Rambassadors eased traffic flow in the lobby areas of Admissions & Records, Counseling & Financial Aid - something that seemed impossible at one point.

**Budgetary Implications:**
None

**Follow Up/Outcome:**

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

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By: Eric Ramones, Human Resources Director

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

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

SUBJECT: Board Policies and Administrative Procedures

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

Proposal:
That the Board of Trustees review and comment as appropriate on the attached Board Policies (BPs) and Administrative Procedures (APs).

Background:
The Board Policy Subcommittee reviewed the President's Office, Instructional Services, and Student Services BPs and APs on July 10, 2012.
The Board Policy Subcommittee reviewed the Administrative Services APs and BPs on August 14, 2012.

Budgetary Implications:

Follow Up/Outcome:
The policies and procedures will continue through the shared governance process. The procedures will be posted online and implemented. The policies will be presented to the Board of Trustees for a second reading and action at a future Regular Board meeting.

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By:  
Dr. Steven M. Kinsella, Superintendent/President

Agenda Approval:  
Dr. Steven M. Kinsella, Superintendent/President
President's Office
BP 2015  Student Member(s)
BP 2105  Election of Student Members
AP 2105  Election of Student Members
BP 2345  Public Participation at Board Meetings
BP 2730  Health Benefits
BP 2750  Board Member Absence from the State
BP 3200  Accreditation
AP 3200  Accreditation
BP 3410  Non-Discrimination
AP 3410  Non-Discrimination
AP 3500  Campus Safety
BP 3570  Tobacco and Smoke-Free Environment and Cessation/Prevention
AP 3570  Tobacco and Smoke-Free Environment and Cessation/Prevention
AP 3600  Auxiliary Organizations
BP 3820  Gifts

Instructional Services
BP 4040  Library Services
AP 4250  Probation
AP 4260  Pre-Requisites and Co-Requisites

Student Services
BP 3900  Speech: Time, Place, and Manner (formerly numbered AP 5550)
AP 3900  Speech: Time, Place, and Manner (formerly numbered AP 5550)
AP 4225  Course Repetition
BP 5010  Admissions
AP 5010  Admissions
AP 5011  Admission and Concurrent Enrollment of High School and Other Young Adult Students
AP 5013  Students in the Military
AP 5015  Resident Determination
AP 5020  Non Resident Tuition
AP 5030  Fees
AP 5031  Instructional Materials Fees
AP 5040  Student Records Directory information, and Privacy
AP 5075  Course Adds and Drops
BP 5130  Financial Aid
AP 5130  Financial Aid
BP 5140  Disabled Students Programs and Services
AP 5140  Disabled Student Programs and Services
BP 5500  Standards of Conduct
BP 5510  Off-campus Student Organizations
AP 5510  Off-campus Student Organizations
Administrative Services
Chapter 3
BP 3430  Prohibition of Harassment
AP 3430  Prohibition of Harassment
AP 3435  Discrimination and Harassment Investigations
BP 3501  Campus Security and Access
AP 3501  Campus Security and Access
BP 3505  Emergency Response Plan
AP 3505  Emergency Response Plan
AP 3515  Reporting of Crimes
BP 3520  Local Law Enforcement
AP 3520  Local Law Enforcement
BP 3530  Weapons on Campus
AP 3540  Sexual Assaults on Campus

Chapter 5
BP 5800  Prevention of Identity Theft in Student Financial Transactions
AP 5800  Prevention of Identity Theft in Student Financial Transactions

Chapter 6
BP 6450  Wireless or Cellular Telephone Use
AP 6450  Wireless or Cellular Telephone Use
BP 6550  Disposal of Property
AP 6550  Disposal of Property
BP 6900  Bookstore

Chapter 7
BP 7130  Compensation
AP 7130  Compensation
BP 7210  Academic Employees
AP 7212  Temporary Faculty
BP 7240  Confidential Employees
AP 7270  Student Workers
BP 7310  Nepotism
AP 7337  Fingerprinting
AP 7340  Leaves
AP 7343  Industrial Accident and Illness
AP 7346  Employees Called to Military Duty
BP 7365  Discipline and Dismissals – Classified Employees
AP 7365  Discipline and Dismissals – Classified Employees
BP 7380  Retiree Health Benefits: Academic Employees
AP 7380  Retiree Health Benefits: Academic Employees
BP 7381  Retiree Health Benefits: Classified Employees
AP 7381  Retiree Health Benefits: Classified Employees
BP 7510  Domestic Partners
AP 7600  College Security
BP 7700  Whistleblower Protection
AP 7700  Whistleblower Protection
President's Office
BP 2015  Student Member(s)
BP 2105  Election of Student Members
AP 2105  Election of Student Members
BP 2345  Public Participation at Board Meetings
BP 2730  Health Benefits
BP 2750  Board Member Absence from the State
BP 3200  Accreditation
AP 3200  Accreditation
BP 3410  Non-Discrimination
AP 3410  Non-Discrimination
AP 3500  Campus Safety
BP 3570  Tobacco and Smoke-Free Environment and Cessation/Prevention
AP 3570  Tobacco and Smoke-Free Environment and Cessation/Prevention
AP 3600  Auxiliary Organizations
BP 3820  Gifts
BP 2015 Student Member(s)

Reference:

_Education Code Section 72023.5_

The Board shall include one (1) non-voting student member. The term of office shall be one year. A student trustee is limited to two one-year terms as trustee effective July 1, 2006 commencing June 1.

The student member shall be a resident of California at the time of nomination, and during the term of service, and shall be enrolled in and maintain a minimum of five (5) semester units in the District at the time of nomination and throughout the term of service. The student is not required to give up employment with the District. The student shall maintain a 2.0 grade point average.

The student member shall be seated with the Board and shall be recognized as a full member of the Board at meetings. The student member is entitled to participate in discussion of issues and receive all materials presented to members of the Board (except for closed session). The student member shall be entitled to any mileage allowance necessary to attend board meetings to the same extent as publicly elected trustees.

On or before May 15 of each year, the Board shall consider whether to afford the student member any or all of the following privileges:

- The privilege to make and second motions;
- The privilege to attend closed sessions, other than closed sessions on personnel or collective bargaining matters;
- The privilege to receive compensation for meeting attendance at a level of $252 (excluding health benefits). See BP 2725 titled Board Member Compensation for meeting attendance;
- The privilege to serve a term commencing on June 1
- The privilege to cast an advisory vote, although the vote shall not be included in determining the vote required to carry any measure before the board.

Amended by the Board of Trustees: January 13, 2009
Amended by the Board of Trustees: November 14, 2006
Approved by the Board of Trustees: June 12, 2001
BP 2105 Election of Student Members

Reference:

_Educational Code Sections 72023.5, 72103_

A Gavilan college student elected by the Associated Study Body of Gavilan College shall serve as a member of the Gavilan Joint Community College Governing Board in accordance with California Education Code Section 72023.5.

The student member shall be elected by all the student body in a general election held in the spring semester in order to fill the office by June 1 of a given year. The student member may be recalled by all the students of the student body in an election held for that purpose in accordance with administrative procedures established by the Superintendent/President.

If the office becomes vacant due to resignation, recall, or disqualification of an elected student member, or by any other viable reason, a special election will be held to fill that vacancy. This special election will be held in thirty (30 days) after notice of the vacancy comes to the attention of the President of the College.

Candidates for the vacancy may nominate themselves or be nominated by others by the filing of an application certifying that the candidate’s eligibility for service under the criteria set forth in California law and these policies. The election will be conducted in accordance with administrative procedures established by the President of the College.

The student member shall be elected by all the students enrolled in the District in a general election held for that purpose. Normally an election will be held in the spring semester so that the office is filled by June 1. Special elections shall be held if the office becomes vacant by reason of the resignation or disqualification of an elected student member, or by any other reasons. Special elections shall be held within thirty (30) days after notice of vacancy comes to the attention of the President of the College. Candidates for the position may nominate themselves or be nominated by others by the filing of an application at their campus of residence certifying that the candidate is eligible for service under the criteria set forth in California law and these policies.

An election will be conducted at each college in accordance with the administrative procedures adopted by the college student elections, except that all members of the student body shall be permitted to vote for the student member. Each candidate from throughout the District who has qualified shall be listed on the ballot at each college. The successful candidate must receive a plurality of all votes cast.

See Administrative Procedures #2105

Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: June 12, 2001
AP 2105  Election of Student Members
Reference:
Education Code Section 72023.5

The student member shall be elected by a plurality vote of those voting in a regular election of the student body. All members of the student body may vote. Normally, the election will be conducted during the spring semester and will be completed in time for the student member to take office on June 1.

The Student Member may be recalled in an election conducted in the same manner as the election to office. An election will be called upon presentation to the President of the College of a petition signed by at least 20% of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within 30 days of a regularly scheduled election for student member.

The office shall become vacant if the student member becomes ineligible for the office, resigns, is recalled, or dies. Upon notice to the President of the College that a vacancy has occurred, the President of the College or designee shall arrange for a special election that provides for:

- notice communicated to the student body of the result of the recall election, if the vacancy has occurred as the result of a recall election, and arrangements for a special election;
- an application period for students to submit an application to become a candidate for the open position that will be open for at least 5 days on which classes are regularly held;
- following such application period, a period of time no less than 5 days upon which classes are regularly held for campaigning, and;
- voting for the special election to be concluded within 30 days following the date upon which the position became vacant.

No special election will be called if the vacancy occurs within 30 days of a regularly scheduled election for student member.
BP 2345 Public Participation at Board Meetings

Reference:

Government Code Section 54954.3; and 54957.5;
Education Code 72121.5

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:

- There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda.

  Members wishing to present such items shall submit a written request at the beginning of the meeting to the President of the College/President of the Board that summarizes the item and provides his or her name and organizational affiliation, if any. No action may be taken by the Board on such items.

- Members of the public may place items on the prepared agenda in accordance with Board Policy 2340.

  A written summary of the item must be submitted to the President of the College at least two weeks prior to the board meeting to assure compliance with the Brown Act. The initiator must sign the summary; contain his or her residence or business address, and organizational affiliation, if any.

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the board meeting. Written communication regarding items on the Board’s agenda should reach the Office of the President no later than five (5) working days prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author’s organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

Amended by the Board of Trustees: October 11, 2005
Approved by the Board of Trustees: June 12, 2001
BP 2730 Health Benefits

Reference:

*Government Code Sections 53201 and 53208.5*

Members of the Board shall be permitted to participate in the District’s health benefit programs. The benefits of members of the Board through the District’s health benefit programs shall not be greater than the most generous schedule of benefits being received by any category of nonsafety employee of the District.

The Board of Trustees may participate in medical, dental and vision insurance programs only. The District shall pay the insurance premiums up to an amount to be set each year by the Board of Trustees.

Former members of the Board may continue to participate in the District’s health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years. All other former board members may continue to participate in the District’s health benefits programs on a self-pay basis.

Approved by the Board of Trustees: June 12, 2001
BP 2750  Board Member Absence from the State

Reference:
   Government Code Section 1064

Note: This policy is legally advised.

No member of the Board shall be absent from the state for more than 60 days, except in any of the following situations:

- Upon business of community college district with the approval of the Board.

- With the consent of the Board for an additional period not to exceed a total absence of 90 days. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- For federal military deployment, not to exceed an absence of a total of six months, as a member of the Armed Forces of the United States or the California National Guard. If the absence of a member of the Board pursuant to this subdivision exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of the circumstances described in this subdivision, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities.

- The term of an interim member of the Board appointed as set forth above may not extend beyond the return of the absent member, nor may it extend beyond the next regularly scheduled election for that office.

New 3/12
BP 3200 Accreditation

Reference:
Accreditation Eligibility Requirement 210, Standard IV.B.1.t40.A.7

The President of the College shall ensure the District complies with the accreditation process and standards of the Accrediting Commission of Community and Junior Colleges and of other District programs that seek special accreditation.

The President of the College shall keep the Board informed of approved accrediting organizations and the status of accreditations.

The President of the College shall ensure that the Board is involved in any accreditation process in which Board participation is required.

The President of the College shall provide the Board with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

See Administrative Procedure #3200

Approved by the Board of Trustees December 11, 2001
External Accreditation

A. Approval

The President of the College shall approve the application to all organizations that accredit Cavilan College programs and shall notify the Governing Board of these approved accrediting organizations.

B. Funding for accreditation

1. The year prior to any accrediting visitation and report preparation, the Accreditation Officer shall notify the appropriate administrator of the upcoming accreditation so that budget allocations may be requested in a timely fashion within regular budget procedures.

2. The Accreditation Officer shall provide estimates of expenses, including fees required by the accrediting agency, and travel expenses of the accreditation team.

3. The Accreditation Officer shall submit the request for funding through the regular budget proposal process. Payments will be made following standard college fiscal procedures.

C. Administrative supervision of the process

1. The accreditation officer shall report regularly to the President of the College regarding status of the application for accreditation, the date, time, and duration of the team visit, and the number of team members.

2. No later than one year prior to the self-study submission deadline, the Accreditation Officer shall submit the plan for the self-study process including timelines, tasks, responsibilities, organization, and structure. At least 2 months prior to the submission deadline, the Accreditation Officer, President’s Council, and the Vice Presidents shall review a draft of the accreditation report. It shall then be submitted to the President of the College, who shall submit it to the Board.

3. The President of the College and other appropriate parties shall sign the self-study authorizing submission to the accrediting agency.
4. Meetings between team members and school officials shall be arranged as required by the accreditation agency and with the approval of the President of the College.

D. Recommendations of the accreditation team:

1. The accreditation officer shall submit copies of accreditation team reports to the Board and to President's Council.

2. The Accreditation Officer shall submit a report describing actions taken or to be taken in response to recommendations in the accreditation report.

3. The Accreditation Officer shall submit appropriate requests through the usual process to secure funding, equipment, or services recommended by the accreditation report as appropriate.

4. The Accreditation Officer shall submit an annual report on progress on meeting recommendations.

Approved by the Board of Trustees December 11, 2001
BP 3410 Non-discrimination

Reference:
Education Code Sections 66250, et seq. 72010, et seq. 87100 et seq.;
Title 5, Sections 53000, et seq., 59300 et seq.;
Penal Code Section 422.55;
Government Code 129261.1, 12940, et seq.

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, creed, race, color, medical condition, genetic information, ancestry, sex (i.e., gender), sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The President of the College shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion age, gender, gender identity, gender expression, creed, sex (i.e., gender), race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, or because of his or her association with a person or group with one or more of these actual perceived characteristics.

See Administrative Procedure #3410

Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: February 8, 2005
Approved by the Board of Trustees: December 11, 2001
AP 3410 Nondiscrimination

Nondiscrimination References for Education Programs:

Education Code Sections 66250 et seq.; 200 et seq; 72010 et seq.
Penal Code Sections 422.55 et seq.;
Title 5 Sections 59300 et seq.;
Accreditation Standard 1.6

Education Programs

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, sex, gender, or gender identity, gender expression, race, color, medical condition, genetic information, creed, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she is perceived to have one or more of the foregoing characteristics or based on association with a person or group with one or more of these actual or perceived characteristics.

No person shall be subject to discrimination on any basis that is contained in the prohibition of hate crimes set forth in the California Penal Code Section 422.6, which include the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she is perceived to have one or more of those characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Nondiscrimination References for Employment:

Reference:

Education Code Section 87100 et seq.
Title 5; Section 53000 et seq.;
Government Code Sections 11135 et seq; 12940 et seq.

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex
(i.e. gender), gender, gender identity, gender expression, age, sexual orientation, or status as a Vietnam-era veteran.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

Amended: December 12, 2006
Amended: November 14, 2006
Approved by the Board of Trustees December 11, 2001
AP 3500 Campus Safety

Reference:

*Education Code Section 212, 67380, 87014;*
*Penal Code Section 245;*
*20 U.S. Code, Sections 1232g, 1292(f);*
*34 Code of Federal Regulations, 668.46;*
*34 Code of Federal Regulations, 99.31(a)(13), (14);*
*Campus Security Act of 1990*

A campus safety plan shall be developed, and is provided to students via the District’s Internet homepage or as a handbook upon request.

The Director, Security and Support Services, prepares and annually updates a report of all occurrences reported to campus security personnel of and arrests for crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and of all occurrences of non criminal acts of hate violence reported to campus authorities. A written report will be submitted to the Board.

Written records of non criminal acts of hate violence shall include at least a description of the act of hate violence, the victim characteristics, and offender characteristics, if known.

**Note:** *Education Code Section 67380 defines “hate violence” as: “any act of intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons or the property of any person or group of persons because of the ethnicity, race, national origin, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.” Section 67380 requires reporting of both occurrences reported to campus police or safety authorities of and arrests for crimes that involve hate violence (Section 67380(a) (1) (A)) and of “non-criminal acts of hate violence” (Education Code Section 67380(a) (1) (B)).*

Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: December 11, 2001
BP 3570  Tobacco and Smoke-Free Environment and Cessation/Prevention

Reference:
- Government Code Section 7596, 7597, 7597.1, 7598;
- Labor Code 6404.5; Title 5, Section 5148
- CA Health and Safety Code Section 104495
- CA Health and Safety Code Sections 1596.795, 1596.890
- CA Health and Safety Codes Section 104420(p)

All smoking and use of all tobacco products and non-regulated nicotine products is prohibited on all Gavilan Joint Community College District owned, leased, or operated property, except for designated smoking areas as defined in administrative procedure.

This policy will take effect July 1, 2011 with a one-year educational campaign, and support for students and staff in smoking cessation with full implementation effective July 1, 2012.

The president of Gavilan College shall assure that the District provides adequate notification to the community and education/cessation support.

See Administration Procedure #3570

Approved by the Board of Trustees June 14, 2011
AP3570 Tobacco and Smoke-Free Environment and Cessation/Prevention

References:

Government Code Section 7596, 7597, 7597.1, 7598;
Labor Code 6404.5;
Title 5, Section 5148
California Health and Safety Code Section 104495
CA Health and Safety Code Sections 1596.795, 1596.890
CA Health and Safety Codes Section 104420(p)

In order to maintain a safe and healthy learning environment for students, faculty, staff, high school students and children on campus, and to reduce smoking-associated litter and air pollution Gavilan College has adopted BP 3750, Tobacco and Smoke-Free Environment and Cessation / Prevention.

In conjunction with prohibiting smoking and the use of tobacco and non-regulated nicotine products, the college will provide education and support for smoking cessation through the office of Student Health.

This policy applies at all Gavilan Joint Community College District owned, leased, or operated properties. The college may choose to create designated smoking areas on a temporary or permanent basis, provided such areas are accessible, located at least 20 feet from building doors and windows, main walkways, the Child Development Center, and GECA facilities.

This policy shall be communicated through the college website, Schedule of Classes, Catalog, and appropriate campus signage. It applies to all members of the campus community including visitors, outside users of the facilities, contractors, vendors, students and staff.

Enforcement of this policy will be the responsibility of all members of the college community. Students who do not comply with the provisions of BP 3570 and this Administrative Procedure may be subject to action as specified by the student Code of Conduct.

This policy will take effect July 1, 2011 with a one-year educational campaign, and support for students and staff in smoking.

Approved by the Board of Trustees May 10, 2011
AP 3600  Auxiliary Organizations

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

NOTE: This procedure is legally required. Local practice may be inserted. The following complies with all requirements of statute and Title 5.

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

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

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

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

District: The term District as used herein means the Gavilan Joint Community College District [name of District] Community College District.

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

Recognition and Establishment of Auxiliary Organizations
The [CEO] shall submit a recommendation to the Board of Trustees to establish an auxiliary organization when the organization will serve the District. The recommendation includes, but is not limited to, the following:
- The purpose(s) for which the auxiliary organization is to be established;
- Whether the proposed auxiliary organization will primarily serve the District or a particular District;
- The functions which the auxiliary organization is intended to perform;
- The proposed bylaws and articles of incorporation for the auxiliary organization, including the size and composition of the board of directors; and
- The proposed written agreement between the auxiliary organization and the District, as required in Title 5 Section 59259.
The process of recognition shall be as follows:

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

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

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

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

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

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

Authority and Responsibility of Auxiliary Organizations
Participation in workshops, conferences, or institutes offered by auxiliary organizations shall not be included in reports to the state for the purpose of receiving apportionment funding.
All services, programs and activities that may be undertaken by an auxiliary organization shall be maintained for the general benefit of the educational program of the District. Upon Board of Trustees approval, an auxiliary organization may assume any of the services, programs and activities listed in these procedures in order:

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

**Composition of Boards of Directors**

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

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

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

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

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

**Conduct of Boards of Directors**

No member of the board of directors of an auxiliary organization shall be financially interested in any contract or other transaction entered into by the board of which he/she is a member. Any contract or transaction entered into in violation of this section is void.
No contract or other transaction entered into by the board of directors of an auxiliary organization is void under the provisions of Education Code Section 72677; nor shall any member of such board be disqualified or deemed guilty of misconduct in office under such provisions, if pursuant to Education Code Section 72678 both of the following conditions are met:

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

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

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

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

**Bylaws**

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

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

- The procedures for approving expenditures.
- The procedures for accepting gifts, donations, bequests, trusts and specially funded grants and other income.

**Master Agreement between District and Auxiliary Organizations**

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

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

An auxiliary organization shall provide only those services, programs or functions authorized by a written agreement. No other service, program or function shall be permitted or performed unless a written agreement between the District and the auxiliary organization is amended to provide otherwise.

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

- The services, programs, or functions the auxiliary organization is to manage, operate or administer.
- A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.
- The areas of authority and responsibility of the auxiliary organization and the District or College.
- The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.
- The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.
- Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith
reimbursement value to such non-monetary benefits. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be as mutually determined.

- A mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs).
- The responsibility for maintenance and payment of operating expenses.
- Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The board of directors shall file with the [CEO] a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.
- The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.
- The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
- The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Education Code Sections 72670-72682 and with Title 5 Sections 59250 et seq. as well as District Board Policy.
- The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.
- The understanding that the auxiliary organization shall not enter into any contract or other business arrangement involving real property either by lease involving payments of more than $25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with the [CEO].

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

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

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

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

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

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

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

The board of directors of each auxiliary organization may withhold permanent status benefits from executive employees. For the purposes of this procedure, an executive employee is any management employee with responsibility for the development and execution of the auxiliary organization's policies and includes, but is not limited to, general managers, managers, directors and the like, as determined by the board of directors of each auxiliary organization.

Should retirement benefits be provided, they may but need not be provided by the Public Employees' Retirement System. Any newly created auxiliary organization is exempted from the requirement of providing retirement benefits for a period not to exceed three years from the date on which the Board of Trustees recognizes the establishment of such auxiliary organization.
An auxiliary organization may contract with the District for the services of a District employee and reimburse the District for that portion of the employee's full-time assignment (and corresponding benefits) that is spent in providing said services.

**Accounting and Reporting for Auxiliary Organizations**
The fiscal year of the auxiliary organization shall coincide with that of the District.

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

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

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

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

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

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

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

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

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

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

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

Records and Annual Report of Auxiliary Organizations
Personnel and payroll records shall be maintained as permanent records by each auxiliary organization.

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

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

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

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

Annual Audit
Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Chancellor. Copies of the annual audit report shall be submitted to the Board of Trustees and to the California Community Colleges Chancellor's Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.
Auxiliary organizations shall annually publish an audited statement of their financial condition, which shall be disseminated as widely as feasible and be available to any person on request. A reasonable fee may be charged to cover the costs of providing a copy. An auxiliary organization shall comply with this requirement by:

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

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

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

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

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

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

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

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

List of Auxiliary Organizations in Good Standing
Each year, the [CE0] shall provide to the Board of Trustees a list of all auxiliary organizations in good standing. All auxiliary organizations which, after periodic review in the manner specified hereinafter in these regulations, are found to be in compliance with applicable laws, policies and regulations shall be included in the list.

When the [CE0] has reason to believe that a particular organization should be removed from the list of auxiliary organizations in good standing, a conference shall be held to determine whether such grounds for removal do in fact exist. The board of directors of such organization shall be entitled to participate in this conference, and shall have a minimum of one month notice to prepare response to the issues which have been raised.

Based upon such conference, the [CE0] shall decide whether the particular organization shall be removed from the list of auxiliary organizations in good standing.

An organization so removed shall not be permitted to do any of the following:
• Use the name of the District;
• Have as a director any official in the District acting in his/her official capacity;
• Operate a commercial service for the benefit of the District or any of its Colleges; and
• Receive gifts, property or funds to be used for the benefit of the District or any of its Colleges.

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

Limitation on Transfer of Funds to Auxiliary Organizations
No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations which constrain community college districts or providing the District with an unfair advantage with respect to the application of any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.
Compliance Review by [CEO]
All auxiliary organization procedures and practices shall be reviewed to determine compliance with Education Code Sections 72670 et seq., and the policies, rules and regulations of the Board of Governors, and of the District. The [CEO] shall designate the individual to conduct this review, which shall be conducted at the end of the first complete fiscal year after its establishment and at least once every three years thereafter.

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

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

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

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

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

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

Revised 2/05, 2/06, 8/06, 2/08, 3/12
BP 3820 Gifts

Reference:

   Education Code Section 72122

The Board shall consider all gifts, donations and bequests made to the District. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete resources of the District.

The District shall assume no responsibility for appraising the value of gifts made to the District.

Acceptance of a gift shall not be considered endorsement by the District of a product, enterprise or entity.

In no event shall the District accept a donation from any donor who engages in practices or policies, which discriminate against any person on the basis of nationality, religion, age, gender, gender identity, gender expression, race, sex (i.e., gender), or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, color, religion, national-origin, age, or physical or mental disability, or sexual preference; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

See Administrative Procedure #3820

Approved by the Board of Trustees: December 11, 2001
Instructional Services
BP 4040  Library Services
AP 4250  Probation
AP 4260  Pre-Requisites and Co-Requisites
BP 4040 Library Services

Reference:
Education Code Section 78100; Civil Code Section 1798.90

The District shall have library services that are an integral part of the educational program and will comply with the requirements of the Reader Privacy Act.

See Administrative Procedure #4040

Approved by the Board of Trustees: June 11, 2002
AP 4250 Probation

Reference:
Title 5, Sections 55030-55034

Notification of Probation
Each student is entitled to be notified of his/her academic difficulty and the availability of college support services to respond to the academic difficulty before the student is dismissed. Notification will consist, at a minimum, of the following: At the end of the semester in which the student’s grade point average falls below 2.0 in all units attempted, a notice that the student is on probation shall be sent to the student informing him/her that he/she is on academic probation.

“All units attempted” is defined as units of credit for which the student is enrolled in the community college that they attend. If the percentage of a student’s recorded entries of “W,” “I,” “NC”, and NP in at least three consecutive semesters reaches or exceeds 50% of all units in which a student has enrolled, the student shall be placed on progress probation. At the end of the third semester on which the student is on academic or progress probation, a notice that the student is subject to dismissal will be sent to the student informing him/her that he/she is subject to dismissal.

Probationary Letter
The letter notifying the student of probation will cover, at a minimum, the significance of being on probation and description of the services available.

A student who is on academic probation and earns a semester grade point average of 1.75 or better shall not be dismissed as long as this minimum semester grade point average is maintained.

Amended by the Board of Trustees: May 13, 2008

Approved by the Board of Trustees: June 11, 2002
AP 4260  Pre-Requisites and Co-requisites

Reference:
Title 5, Sections 55000 et seq.

Prerequisites, co-requisites, advisories and limitations are necessary to ensure that students succeed in their coursework and have access to the courses they require. It is important to have prerequisites in place where they are a vital factor in maintaining academic standards. The following provides for the establishing, reviewing, and challenging of prerequisites, co-requisites, advisories on recommended preparation, and certain limitations on enrollment in a manner consistent with law and good practice. It is also necessary to ensure that if prerequisites, co-requisites, advisories, and limitations are established unnecessarily or inappropriately, they do not constitute unjustifiable obstacles to student access and success. Therefore, this procedure calls for caution and careful scrutiny in establishing them. Nonetheless, it is as important to have prerequisites in place where they are a vital factor in maintaining academic standards as it is to avoid establishing prerequisites where they are not needed. For these reasons, the District has sought to foster the appropriate balance between these two concerns. Therefore, to foster the appropriate balance between these two concerns, the Education Code requires that prerequisites, co-requisites, advisories, and limitations be established based solely on content review or content review with statistical validation.

1. Information in the Catalog and Schedule of Classes.
   The college shall provide the following explanations both in the college catalog and in the schedule of classes:

   A. Definitions of prerequisites, co-requisites, and limitations on enrollment including the differences among them and the specific prerequisites, co-requisites, and limitations on enrollment that have been established.

   B. Procedures for a student to challenge prerequisites, co-requisites, and limitations on enrollment and circumstances under which a student is encouraged to make such a challenge. The information about challenges must include, at a minimum, the specific process including any deadlines, the various types of challenge that are established in law, and any additional types of challenge permitted by the college.

   C. Definitions of advisories on recommended preparation, the right of a student to choose to take a course without meeting the advisory, and circumstances under which a student is encouraged to exercise that right.

   D. Definitions of contract course, co-requisite, non-credit basic skills course, non-degree-applicable basic skills courses, prerequisite and satisfactory grade.

2. Challenge Process

   A. Any student who does not meet a prerequisite or co-requisite or who is not permitted to enroll due to a limitation on enrollment but who provides satisfactory evidence may seek entry into the course as follows:

   1. The student files a petition to Challenge Prerequisite/Co-Requisite along with appropriate documentation by the review deadline published each semester. If space is available in a course when a student files the challenge petition the student may enroll in the desired class subject to approval of the challenge. The student will be notified of the outcome of the petition via email, or if email address is not available, notification will be

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sent to the home address on file. If the challenge is denied and the student is enrolled in
the course, the student will be dropped and notified by mail or email.

2. If the petition is approved but the desired class is filled, the student may register for the
course in a subsequent term without submitting another petition. Student should bring a
copy of the approved petition to be cleared for registration in person. The student must
contact the Admissions & Records Office two business days in advance in order to be
cleared to register online in a subsequent semester.

A. Any student who does not meet a prerequisite or co-requisite or who is not permitted to
enroll due to a limitation on enrollment but who provides satisfactory evidence may seek
entry into the course as follows:

1. If space is available in a course when a student files a challenge to the prerequisite
or co-requisite, the District shall reserve a seat for the student and resolve the
challenge within five (5) working days. If the challenge is upheld or the District fails to
resolve the challenge within the five (5) working day period, the student shall be
allowed to enroll in the course.

2. If no space is available in the course when a challenge is filed, the challenge shall be
resolved prior to the beginning of registration for the next term and, if the challenge is
upheld, the student shall be permitted to enroll if space is available when the
students registers for that subsequent term.

B. Grounds for challenge shall include the following:

1. Those grounds for challenge specified in Title 5, Section 55201(f).
2. The student seeks to enroll and has not been allowed to enroll due to a limitation on
enrollment established for a course that involves intercollegiate competition or public
performance, or one or more of the courses for which enrollment has been limited to
a cohort of students. The student shall be allowed to enroll in such a course if
otherwise he or she would be delayed by a semester or more in attaining the degree
or certificate specified in his or her educational plan.

3. The student seeks to enroll in a course that has a prerequisite established to protect
health and safety, and the student demonstrates that he or she does not pose a
threat to himself or herself or others.

4. The student has the obligation to provide satisfactory evidence that the challenge
should be upheld. However, where facts essential to a determination of whether the
student's challenge should be upheld are or ought to be in the college's own records,
then the college has the obligation to produce that information.

C. Curriculum Review Process

The curriculum review process shall at a minimum be in accordance with all of the following:

1. Establish a curriculum committee and its membership in a manner that is mutually
agreeable to the college administration and the Faculty Senate.

2. Establish prerequisites, co-requisites, and advisories on recommended preparation
(advisories) only upon the recommendation of the Faculty Senate except that the
Faculty Senate may delegate this task to the curriculum committee without forfeiting
its rights or responsibilities under Title 5 Sections 53200-53204 and within the limits
set forth in of Title 5 Section 55003. Certain limitations on enrollment must be
established in the same manner.

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3. Establish prerequisites, co-requisites, advisories on recommended preparation, and limitations on enrollment only if:

   a) The faculty in the discipline or, if the college has no faculty member in the discipline, the faculty in the department do all of the following:

      (1) Approve the course; and,
      (2) As a separate action, approve any prerequisite or co-requisite, only if:

         (a) The prerequisite or co-requisite is an appropriate and rational measure of a student's readiness to enter the course or program as demonstrated by a content review including, at a minimum, all of the following:

            (i) involvement of faculty with appropriate expertise;
            (ii) consideration of course objectives set by relevant department(s). The curriculum review process should be done in a manner that is in accordance with accreditation standards.
            (iii) be based on a detailed course syllabus and outline of record, tests, related instructional materials, course format, type and number of examinations, and grading criteria;
            (iv) specification of the body of knowledge and/or skills which are deemed necessary at entry and/or concurrent with enrollment;
            (v) identification and review of the prerequisite or co-requisite, which develops the body of knowledge and/or measures skills identified under iv.
            (vi) matching of the knowledge and skills in the targeted course (identified under iv.) and those developed or measured by the prerequisite or co-requisite (i.e., the course or assessment identified under v.); and
            (vii) maintain documentation that the above steps were taken.

         (b) The prerequisite or co-requisite meets the scrutiny specified in one of the procedures for review of individual courses (see below), and specify which.

   (3) Approve any limitation on enrollment that is being established for an honors course or section, for a course that includes intercollegiate competition or public performance, or so that a cohort of students will be enrolled in two or more courses, and, in a separate action, specify which.

   (4) Approve that the course meets the academic standards required for degree applicable courses, non-degree applicable courses, non-credit courses, or community service respectively.

   (5) Review the course outline to determine if a student would be highly unlikely to receive a satisfactory grade unless the student had knowledge or skills not taught in the course. If the student would need knowledge or skills not taught in the course itself, then the course may be approved for degree applicable credit only if all requirements for
establishing the appropriate prerequisite have been met excepting only approval by the curriculum committee.

(6) Review the course outline to determine whether receiving a satisfactory grade is dependent on skills in communication or computation. If receiving a satisfactory grade is sufficiently dependent on such skills, then the course may be approved for degree applicable credit only if all requirements have been met for establishing a prerequisite or co-requisite of not less than eligibility for enrollment to a degree-applicable course in English or mathematics, respectively.

b) A course which should have a prerequisite or co-requisite as provided in (5) or (6) but for which one or more of the requirements for establishing a prerequisite have not been met may only:

(1) Be reviewed and approved pursuant to the standards for non-degree applicable credit, non-credit, or community service; or

(2) Be revised and reviewed as required to meet the criteria for establishing the necessary prerequisites or co-requisites.

c) The curriculum committee also reviews the course and prerequisite in a manner that meets each of the requirements specified above.

4. Program Review. As a regular part of the program review process or at least every six years, except that the prerequisites and co-requisites for vocational courses or programs shall be reviewed every two years. The college shall review each prerequisite, co-requisite, or advisory to establish that each is still supported by the faculty in the discipline or department and by the curriculum committee and is still in compliance with all other provisions of this policy and with the law. Any prerequisite or co-requisite that is still supported shall be reviewed promptly thereafter to assure that it is in compliance with all other provisions of this policy and with the law.

5. Implementing Prerequisites, Co-requisites, and Limitations on Enrollment. Implementation of prerequisites, co-requisites, and limitations on enrollment must be done in a consistent manner and not left exclusively to the classroom instructor. Every attempt shall be made to enforce all conditions a student must meet to be enrolled in the course through the registration process so that a student is not permitted to enroll unless he or she has met all the conditions or has met all except those for which he or she has a pending challenge or for which further information is needed before final determination is possible of whether the student has met the condition.

6. Instructor’s Formal Agreement to Teach the Course as Described. Each college shall establish a procedure so that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or co-requisite. The process shall be established by consulting collegially with the local Faculty Senate and, if appropriate, the local bargaining unit.

Review of Individual Courses:
If the student’s enrollment in a course or program is to be contingent on his or her having met the proposed prerequisite(s) or co-requisite(s), then such a prerequisite or co-requisite must be

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established as follows. If enrollment is not blocked, then what is being established is not a prerequisite or co-requisite but, rather, an advisory on recommended preparation and must be identified as such in the schedule and catalog. Establishing advisories does not require all the following steps.

1. Prerequisites and Co-requisites

A. Levels of Scrutiny. Prerequisites and co-requisites must meet the requirements of at least one of the following subsections:

1. The Standard Prerequisites or Co-requisites. The college may establish satisfactory completion of a course as prerequisite or co-requisite for another course provided that, in addition to obtaining the review of the faculty in the discipline or department and the curriculum committee as provided above, the college specifies as part of the course outline of record at least three of the campuses of the University of California and the California State University which reflect in their catalogs that they offer the equivalent course with the equivalent prerequisite(s) or co-requisite(s). Any combination of University of California campuses and California State University campuses is acceptable in satisfaction of this requirement.

2. Sequential Courses Within and Across Disciplines. A course may be established as a prerequisite or co-requisite for another course provided that, in addition to the review by faculty in the department or discipline and by the curriculum committee as described above, skills, concepts, and information taught in the first course are presupposed in the second course, and a list of the specific skills and/or knowledge a student must possess in order to be ready to take the second course is included in its outline of record.

3. Courses in Communication or Computation Skills. Prerequisites establishing communication or computational skill requirements may not be established across the entire curriculum unless established on a course-by-course basis. A course in communication or computation skills, or eligibility for enrollment in such a course, may be established as a prerequisite or co-requisite for any course other than another course in communication or computation skills if, in addition to the review by the faculty in the discipline or department and by the curriculum committee as provided above, the following is also done:

   a) A list of the specific skills a student must possess in order to be ready to take the course is included in the course outline of record; and
   b) Research is conducted as provided above.

The prerequisite or co-requisite may be established for a period of not more than two years while the research is being conducted provided that a determination is made that a student who lacks the particular skills is highly unlikely to receive a satisfactory grade because a sufficient percentage of the grade is directly dependent on these skills. This determination must be approved both by the faculty in the discipline and by the curriculum committee as provided above and must be based on a review of the syllabus as well as samples of tests and other assignments on which the grade is based.

4. Cut-Scores and Prerequisites. Whether or not research is required to establish a prerequisite, data collected to validate assessment instruments and cut-scores is always relevant to reviewing the prerequisites for the associated courses. If such data are insufficient to establish the cut-scores, any course prerequisites established
for the same course or courses may not be printed in subsequent catalogs and
schedules nor enforced in subsequent semesters until the problems are resolved;
and sufficient data exist to establish the cut scores. In such a case, the collection of
these data shall be done in the manner prescribed above in addition to other
requirements of law. Such a prerequisite may be changed to an advisory on
recommended preparation while the problems are being resolved.

5. Programs. In order to establish a prerequisite for a program, the proposed
prerequisite must be approved as provided for a course prerequisite in regard to at
least one course that is required as part of the program.

6. Health and Safety. A prerequisite or co-requisite may be established provided that, in
addition to the review by faculty in the department or division and by the curriculum
committee as provided above:

a) The course for which the prerequisite is proposed is one in which the student
might endanger his or her own health and safety or the health and safety of
others; and

b) The prerequisite is that the student possesses what is necessary to protect
his or her health and safety and the health and safety of others before
entering the course.

7. Recency and Other Measures of Readiness: Recency and other measures of
readiness may be established as a prerequisite or co-requisite only if, in addition to
the review by the faculty in the discipline or department and by the curriculum
committee as provided above, the following is also done:

a) A list of the specific skills a student must possess in order to be ready to take
the course is included in the course outline of record.

b) Data are gathered according to sound research practices in at least one of
the following areas:

   (1) The extent to which students, those currently enrolled in the course or
those who have completed it, believe the proposed prerequisite or co-
requisite is necessary.

   (2) Comparison of the faculty members’ appraisal of students’ readiness
for the course to whether students met the proposed prerequisite or
co-requisite. The faculty appraisal could be done at any time in the
semester that the college determined was appropriate and based on
independent assignments, quizzes and exams, participation in
courses or other indicators that the student was or was not ready to
take the course.

   (3) Comparison of students’ performance at any point in the course with
completion of the proposed prerequisite or co-requisite.

   (4) Comparison of student performance in the course to their scores on
assessment instruments in the manner required to validate an
assessment instrument and cut scores for the course in question as
described above.

   (5) The standard for any comparison done shall be that a student is highly
unlikely to receive a satisfactory grade in the course unless the student has
met the proposed prerequisite or co-requisite. The research design,
operational definitions, and numerical standards, if appropriate, shall be
developed by research personnel, discipline faculty, and representatives of

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the Faculty Senate. If the evidence fails to meet the standard established, each college may establish the proposed prerequisite or co-requisite as a recommended preparation and may seek to establish it as a prerequisite or co-requisite only by following the process described in this policy and any applicable college policies.

d) If the curriculum committee has determined as provided in these procedures that a new course needs to have a prerequisite or co-requisite, then the prerequisite or co-requisite may be established for a single period of not more than two years while research is being conducted and a determination is being made, provided that:

1. All other requirements for establishing the prerequisite or co-requisite have already been met; and
2. Students are informed that they may enroll in the course although they do not meet the prerequisite. However, students who lack the prerequisite may not constitute more than 20% of those enrolled in any section of the course.

Prerequisites and co-requisites that are exempt from review at the time they are, or were, established are not eligible for this exception, and the research must be conducted during the six years before they must be reviewed.

8. Additional Rules. Title 5, Section 55202 specifies additional rules, which are to be considered part of this document as though reproduced here.

2.1 Advisories on Recommended Preparation. The college may recommend that a student meet a standard of readiness at entry only if recommended by the faculty in the discipline or department and by the curriculum committee as provided in above. This process is required whether the college used to describe such recommendations in its catalog or schedule as "prerequisites," or "recommended," or by any other term.

3.2 Limitations on Enrollment. The types of limitation on enrollment specified below may only be established through the curriculum review process by the discipline or department faculty and the curriculum committee specified above including the requirement to review them again at least every six years; for example, as part of program review. The following requirements must also be met in order to establish these particular limitations on enrollment.

A. Performance Courses. The college may establish audition or try-out as a limitation on enrollment for courses that include public performance or intercollegiate competition such as but not limited to band, orchestra, theater, competitive speech, chorus, journalism, dance, and intercollegiate athletics provided that:

1. For any certificate or associate degree requirement which can be met by taking this course, there is another course or courses which satisfy the same requirement; and
2. The college includes in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same requirement.

Limitations on enrollment established as provided for performance courses shall be reviewed during program review or at least every six years to determine whether the audition or try-out process is having a disproportionate impact on

Approved by the Board of Trustees: June 11, 2002
any historically under-represented group and, if so, a plan shall be adopted to seek to remedy the disproportionate impact. If disproportionate impact has been found, the limitation on enrollment may not be printed in subsequent catalogs or schedules nor enforced in any subsequent term until such a plan has been endorsed by the department and the college administration and put into effect.

B. Honors Courses. A limitation on enrollment for an honors course or an honors section of a course may be established if, in addition to the review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses at the college which satisfy the same requirements. If the limitation is for an honors course and not only for an honors section, the college must also include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same associate degree or certificate requirement.

C. Blocks of Courses or Sections. Blocks of courses or blocks of sections of courses are two or more courses or sections for which enrollment is limited in order to create a cohort of students. Such a limitation on enrollment may be established if, in addition to review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses that satisfy the same requirement. If the cohort is created through limitations on enrollment in the courses rather than limitations on specific sections of courses, then the college must include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which satisfy the same associate degree or certificate requirement.

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Amended by the Board of Trustees: May 13, 2008

Approved by the Board of Trustees: June 11, 2002
Student Services
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AP 5510  Off-campus Student Organizations
BP 3900 Speech: Time, Place, and Manner (formerly numbered BP 5550)

References:
Education Code Section 76120 and 66301

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

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

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

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

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

See Administrative Procedure 3900

New 6/2012
AP 3900  Speech: Time, Place, and Manner  (formerly numbered AP 5550)

References:
   Education Code Section 76120 and 66301

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

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

This area is chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus, but also so as not to disrupt educational and other activities of the District on behalf of students. The Free Speech Area is a limited public forum. The District reserves the right to revoke that designation and apply a non-public forum designation at its discretion.
- The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of orderly operation of the college. Areas of the college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other areas not specified above.

The use of this area reserved and open for expressive activities is subject to the following:
- Persons using and/or distributing material in the areas shall not impede the progress of passersby, nor shall they force passersby to take any material.
- No person using the areas shall touch, strike or impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.
- Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb orderly conduct of the campus or classes.

Non-student community groups wishing to engage in speech or expressive activities on campus in the area designated as a public forum must provide notification to the District through the Gavilan College Director of Security or designee three business days in advance of the activities and must describe the nature of the planned activities. No illegal activities will be permitted, no activities which violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas.
All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only with the area. Material distributed in the area that is discarded or dropped in or around the areas 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 area that day.

Posting
Bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be approved with the date of posting by the Vice President of Instruction, the Vice President of Student Services or designee. Materials displayed shall be removed after the passage of ten days.
AP 4225   Course Repetition

References:
   Education Code Section 76224
      Title 5, Sections 55040, 55041, 55042, 55253 and 56029-55045

For the purposes of this procedure, the following terms shall have meaning as defined below:

- **Course Repetition**
  Occurs when a student who has previously received an evaluated symbol in a particular course re-enrolls in that course and receives an evaluative symbol.

- **Substandard Academic Work**
  Course work for which the grading symbols "D", "F", "FW", "NP" or "NC" have been recorded.

- **Repeatable**
  Certain types of courses are defined as "repeatable" as defined in AP 4227 and may be exempt from course repetition counting.

Students may repeat courses in which either a substandard evaluative grade (D, F, NC or NP) or non-evaluative symbol (W) has been assigned or awarded.

Students may repeat courses up to three times to achieve a passing grade. Each attempt marked as D, F, NC, NP or W counts toward the three time limit. No additional attempts will be allowed except under extreme extenuating circumstances.

If a course is dropped before a symbol is assigned it will not be counted in the three course attempts. A NRS (No Record Shown) date is assigned for each term and is published in the schedule of classes. Any course in which a student is still enrolled past the NRS date will be awarded either an evaluative or non-evaluative grade or symbol.

Any request to take a course beyond the three attempt limitation will be considered on a case-by-case basis and will only be considered for verifiable extenuating circumstances such as cases of accidents, serious illness, or circumstances beyond student control. A "Petition to Appeal Repeat Limit" must be submitted with official documentation and will be approved by an appeal committee convened by the Vice President of Student Services or by the CIO/Vice President of Instruction for this purpose.

A "W" symbol will not be assigned to any student who withdrew from one or more classes, where such withdrawal is necessary due to fire, flood, or other extraordinary conditions and the withdrawal is authorized by the district pursuant to section 58509 of Title V regulations.

"Military Withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the NRS (No Record Shown) date and will be noted as "MW." An assigned demarcation of "MW" will not be counted in the total attempt limits for a class. "MW" demarcations will not be counted in the progress probation and dismissal calculations.

A first enrollment in a course is at the discretion of the student.

A second enrollment in a course may be done so without the interaction with a counselor.
A third enrollment attempt requires that the student meet with a counselor to review the reasons for the previous failures or withdrawals. The counselor may require the student to receive special services (such as tutoring or assistance in one of the specialized skill labs) as a requirement of repeating the course. When appropriate, the counselor may recommend that the student attempt an alternate course to satisfy the same educational objective (such as a different course that will satisfy the same general education requirement).

Courses that are repeated shall be recorded on the student’s permanent academic record using an appropriate symbol.

When a student repeats a course that is not designated as repeatable and receives a satisfactory grade, then the student may not repeat the course again, unless there is another provision that allows the repetition.

Upon completion of a repeated course, the most recent grade earned will be computed in the cumulative grade point average and the student’s academic record so annotated.

When a student with a disability repeats a class, the previous grade and credit shall be disregarded in the computation of grade point averages.

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Any request to attempt a course past after a third attempt will be considered on a case-by-case basis and will only be considered for verifiable extenuating circumstances such as cases of accidents, serious illness, or circumstances beyond student control. A “Petition to Appeal Repeat Limit” must be submitted with official documentation and will be approved by an appeals committee convened by the Vice President of Student Services or the CIO/Vice President of Instruction for this purpose. A “Petition to Appeal Repeat Limit” must be submitted with a statement describing how the event or illness prevented completion of the course under the three attempt limitation.

Students may repeat courses for which a passing grade (A, B, C, CR or P) has been received under the following special circumstances:

- Repetition is necessary in order to meet a legally mandated training requirement as a condition to continued paid or volunteer employment. The grade and grade points received each time shall be included for the purposes of calculating the student’s grade point average. A petition form is required to enroll under this circumstance.

- The course is a repeatable course, as described in Administrative Procedure, AP 4227.

- A significant lapse of time has occurred since the course was last taken of at least five years or more. A “Request to Repeat a Course Under Special Circumstances” form, signed by a Gaviilan Counselor, is required. Grades and grade points for courses repeated under this provision shall not be counted in calculating the student’s grade point average.

- The College requires recency as a prerequisite for a course or program. A “Request to Repeat a Course Under Special Circumstances” form, signed by a Gaviilan Counselor, is required. Grades and grade points for courses repeated under this provision shall not be counted in calculating the student’s grade point average.
When a course has been repeated under any of the above circumstances, the student's permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

Procedures for petitioning to repeat a course will be published in the Gavilan College Catalog.

The specific courses or categories of courses, if any which are exempt from course repetition shall be made available to students upon request.

Students may repeat a course taken at another accredited college or university for which substandard academic performance is recorded.

Gavilan will accept for course repetition the passing grade and units of a course subsequently repeated at another accredited college or university. A "Petition for Academic Renewal", signed by a Gavilan College counselor and an official transcript from the other college is required.

Students are allowed to repeat an occupational work experience course if a college only offers one course in occupational work experience in a given field and that course is not offered as a variable unit open-entry/open-exit course. Where only one work experience course is offered subject to the above conditions, students may be permitted to repeat this course any number of times as long as they do not exceed the limits on the number of units of cooperative work experience set forth in Title V Section 55253(a).

Students may repeat activity courses where the course objectives are met by repeating a similar primary educational activity and an expanded educational experience occurs, each time the course is repeated for the following reasons: the student's skills or proficiencies will be enhanced by supervised repetition and practice within class periods and active participatory experience in individual study or group assignments is the method to learn the objectives. Examples of activity courses that qualify as repeatable courses include physical education courses and courses in music, fine arts, theater and dance. Absent substandard academic work courses may not be repeated for more than three semesters including summers and intersessions.

Students with disabilities can repeat a special class for students with disabilities any number of times when an individualized determination verifies that such repetition is required as a disability-related accommodation for the student for one of the reasons specified in Title V Section 56029.

Nothing can conflict with Education Code Section 76224 pertaining to the finality of grades assigned by instructors, or with Title V or District procedures relating to retention and destruction of records.

- Students may repeat courses in which substandard grades (D, F, NC or NP) were awarded.

- Students may repeat twice any course for which a substandard grade (D, F, NC or NP) has been received with the following limitations:
For the first repeat, student may self-select to repeat a course with a substandard grade without counselor approval.

Upon the second request to repeat a course, the student must meet with a counselor to review the reasons for the previous failures to complete the course with a satisfactory grade (A, B, C, CR or P). The counselor may require that the student receive special services (such as tutoring or assistance in one of the specialized skill labs) as a requirement of repeating the course again. Alternatively, the counselor may recommend enrollment in an earlier course in the course sequence as a condition of repeating the course again. When appropriate, the counselor may recommend that the student attempt an alternate course to satisfy the same educational objective (such as a different course that will satisfy the same general education requirement).

If, in the opinion of the counselor and the Vice President of Student Services (or Vice President of Instruction), continued attempts to improve the substandard grade seem warranted, the student will be allowed to repeat the course.

Upon completion of a repeated course, the most recent grade earned will be computed in the cumulative grade point average and the student's academic record so annotated.

Students may petition to repeat a course a third time for which a substandard grade (D, F, NC, NP) has been received if extenuating circumstances exist. Extenuating circumstances include verified cases of accidents, illness or other events beyond the student's control. Grades and grade points for courses repeated under this provision shall not be counted in calculating a student's grade point average although course content of the most recent attempt will be applied to graduation requirements if applicable.

Students may repeat courses for which a passing grade (A, B, C, CR or P) has been received under the following special circumstances:

1. Repetition is necessary in order to meet a legally mandated training requirement as a condition of continued paid or volunteer employment. The grade and grade points received each time shall be included for purposes of calculating the student's grade point average.

2. The course is a repeatable course, as described in Administrative Procedure, AP 4227.

3. The previous grade is the result of extenuating circumstances such as verified cases of accidents, illness or other events beyond the control of the student. A Request to Repeat a Course Under Special Circumstances, signed by a Gavilan counselor, is required. The grade and grade points received shall be included for purposes of calculating the student's grade point average.

4. A significant lapse of time has occurred since the course was taken. A Request to Repeat a Course Under Special Circumstances, signed by a Gavilan counselor, is required. Grades and grade points for courses repeated under this provision shall not be counted in calculating a student's grade point average.
5. The college has established a recency-prerequisite. A Request to Repeat a Course Under Special Circumstances, signed by a Gavilan counselor, is required. Grades and grade points for courses repeated under this provision shall not be counted in calculating a student's grade-point average.

- When a course has been repeated under any of the above circumstances, the student's permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

- Procedures for petitioning to repeat a course will be published in the Gavilan College Catalog.

- The specific courses or categories of courses, if any which are exempt from course repetition shall be made available to students upon request.

- Students may repeat a course taken at another accredited college or university for which substandard academic performance is recorded.

- Gavilan will accept for course repetition the passing grade and units of a course subsequently repeated at another accredited college or university. A Petition for Academic Renewal, signed by a Gavilan College counselor, and an official transcript from the other college is required.

- Nothing can conflict with Education Code Section 76224 pertaining to the finality of grades assigned by instructors, or with Title 5 or district procedures relating to retention and destruction of records.

Amended: March 9, 2010
Amended by the Board of Trustees: May 13, 2008
Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: June 11, 2002
BP 5010  Admissions

Reference:

*Education Code Section 76000; 76001, and 76002;*

*Labor Code Section 3077*


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 his or her 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 grades 9-12-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 grades 9-12 is eligible to attend as a special full-time student

- Any student enrolled in 9-12 who has completed the 10th grade may attend summer session.

- The President of the College/Registrar and/or the Vice President of Student Services shall establish procedures regarding ability to benefit and the admission of high school and younger students-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.
- The Registrar and/or the Vice President of Student Services shall establish procedures regarding compliance with statutory and regulatory criteria for concurrent enrollment.

- Gavilan College may admit as a special part-time student any high school student who can benefit from advanced scholastic or vocational work. Authorization for such attendance is dependent upon recommendation of the student’s high school principal and a written permit to attend.

- Admitted high school students must maintain their full-time high school status when concurrently enrolled at Gavilan.
- The College course load shall be determined on an individual basis by the students and their assigned counselors at Gavilan College and their high school.
- Students will be expected to provide their own texts, instructional supplies and pay fees.

See Administrative Procedures #5010

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)

--- Education Code 76000; Accreditation Standard 5.4

- 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 an entity that provides secondary school education.

- 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)
  - Publication of admissions policies and procedures

High School Graduates

Any high school graduate or individual with a GED or high school proficiency certificate may be admitted to Galván College.

Non-High School Graduates

A person 18 years of age or older who has not received a high school diploma may be admitted to the College to take courses for the purpose of general education or to enroll in specialized vocational programs. The student may prepare for transfer to a four-year institution without a high school diploma. All non-high school graduates should request special counseling from the Counseling Department.
Residence Requirements

At the time of registration each student must meet the following criteria:

1. Furnish a state of legal California residence.
2. If an out-of-state student meets admission requirements, pay tuition and fees as set by the Gavilan College Board of Trustees.
3. If an international student who meets the special admission procedures, pay tuition and fees as set by the Gavilan College Board of Trustees.

Admission Requirements

Students shall complete the following requirements prior to registration:

1. File an Application of Admission with the Admissions and Records Office.
2. Submit official transcripts of all previous high school and college work. The transcripts should be mailed directly to the Admissions and Records Office by the school issuing them. It is the responsibility of the student to arrange for official transcripts to be sent to the College.
3. Complete Gavilan College’s skill assessment and orientation. Dates are available in the Admissions and Records Office and in the schedule of classes.
4. Meet with a counselor.
5. All students who are younger than 18 and have not graduated from high school must submit appropriate contracts at the time of registration.

Approved by the Board of Trustees: August 13, 2002
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 District(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 than 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;
• 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.)
• 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);
• Demonstration that the student is capable of profiting from instruction;
• 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. 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.
• All required documents shall be sent to the Vice President of Student Services.

High School Students

For students attending high school, the Vice President of Student Services or Admissions and Records Registrar (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.

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.

A student whose age or class level is equal to grades 9—12 may attend Gavilan College as either a special part-time student, a special full-time student or a special summer session student for advanced scholastic, vocational, or physical education courses in accordance with the policy adopted by the Board of Trustees.

All admitted students must meet matriculation requirements, as applicable including assessment of math and English skills, and will receive college credit.

Special students may file an Application for Admission at any time and may register during the last five working days of the Open Registration period after completing the placement assessment. A completed Special Student Status Contract form with an official copy of the high school transcript attached is required before registering. Students who qualify for and wish to enroll in special education services should contact the Office for Disabled Students Programs and Services (DSPS).

In general, Special Students must have a minimum cumulative grade-point average of 2.00, be in good standing and eligible to continue at the last school of attendance. The instructor of the course in which the student is enrolling may evaluate the student’s ability to benefit from instruction when the course begins. The instructor may request the administrative withdrawal of a student if appropriate. All course advisories and prerequisites will be enforced.

All Gavilan College students are subject to the College’s academic rules, regulations and codes of conduct.

Special Part-time Students (6 units or less)

A. Students concurrently enrolled in a public or private high school will:
   1. Complete a contract form “Recommendation for Special Student Status” verifying:
a. Consent of parent or guardian
b. Recommendation and consent of school principal or designee with verification that the student is in good standing and has the ability and maturity to benefit from college-level instruction.
c. Approval by the Gavilan College counselor.
d. Approval of the President of the College or designee.

2. Complete a skill level assessment in math and English.
3. Provide a current official transcript from the last school of attendance verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue.
4. Register for advanced scholastic and vocational courses.

B. Students whose age or class level is equal to grades 9-12 and who are enrolled in any school will:
1. Complete a contract form verifying:
   a. Consent of parent or guardian.
   b. Verification of non-enrollment and release from school district in which the student resides.
   c. Interview with a Gavilan College counselor.
   d. Approval of the Gavilan College President/Superintendent or designee.
   e. If "home-schooled," verification that the school is registered with the school district in which it operates.

2. Complete a skill level assessment in math and English.
3. Provide a transcript from the last school of attendance verifying good standing and eligibility to continue.
4. Register only for advanced scholastic or vocational courses.

Special Full-time Students (12 units or more)

Student enrolled in public or private school will:
1. Complete a contract form verifying:
   a. Consent of parent or guardian.
   b. Recommendation and consent of school principal or designee with verification that the student is in good standing, has the ability and maturity to benefit from college-level instruction, and has been released from mandatory attendance.
   c. Interview with a Gavilan College counselor.
   d. Approval of the President of the College or designee.

2. Complete a skill level assessment in math and English.
3. Provide a transcript from the last school of attendance verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue.
4. Register only for advanced scholastic or vocational courses.

Special Summer Session Students (4 units maximum)

Student enrolled in public or private school will:
1. Complete a contract form verifying:
   a. Consent of parent or guardian.
   b. Recommendation and consent of school principal or designee verifying that the student is in good standing, an equivalent course is not available to the student at the student's school of attendance, and the student has the ability and maturity to benefit from college-level instruction.
   c. Interview with a Gavilan College counselor.
   d. Approval by the Gavilan College President/Superintendent or designee.
e. If "home-schooled," verification that the school is registered with the school district in which it operates.

2. Complete a skill level assessment in math and English.

3. Provide a transcript from the last school of attendance verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue.

4. Register for courses.

Credit granted for courses:

All admitted students must meet matriculation requirements as applicable including assessment of math and English skills, and will receive college credit.

Limits on the number of units for which students may enroll are as follows:

Special Part-time Students (6 units or less)
Special Full-time Students (12 units or less)
Special Summer Session Students (4 units maximum)

Procedures for denial of request for full-time enrollment, including time constraints:

See "Special Full-time Students (12 units or more)."

Procedures for recording board findings and reasons for denial of a request for admission by a student identified as highly gifted:

All Gavilan students are subject to the College's academic rules, regulations, and codes of conduct. (See: AP 5030, 5500, 5520, 5530)

Procedures for maintaining records of enrollment of these students for apportionment purposees:

Procedures for maintaining records of enrollment of students are the same that are used for all students for apportionment purposes. (See: AP 5035, 5045, 5050, 5070, 5075)

Procedures for ensuring that claims for state apportionment for these students meet all of the following criteria:

A. The class is open to the general public

B. The class is advertised as open to the general public in one or more of the following:
   1. The college catalog
   2. The regular schedule of classes
   3. The 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 than 10 percent of the enrollment of the class may consist of special part-time or full-time students.
Note: The following is an illustrative example of procedures. Legally required and legally advised clauses are indicated.

Required 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 76004.

Legally advised: Admission is subject to seat availability. The student must submit:
• District application for admission;
• Written and signed parental or guardian consent;
• 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.)
• Demonstration that the student is capable of profiting from instruction. The [designate] has the authority to make the final decision whether a student can benefit from instruction.

Required To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.06.

Legally advised: Admission is subject to seat availability. The student must submit:
• District application for admission;
• Written and signed parental or guardian consent;
• 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.)
• Demonstration that the student is capable of profiting from instruction;
• Written approval of the governing board of the school district of attendance. The [designate] has the authority to make the final decision whether a student can benefit from instruction.

Required To be considered for admission as a special summer session student, the student must meet the eligibility standards as established in Education Code Section 76004.

Legally advised: 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.
• All required documents shall be sent to the [designate].

Legally advised:

High School Students: For students attending high school, [designate] 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 [designate] 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 [designate appropriate college staff];
• Consideration of 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 [designate]. 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 [designate] 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 [designate position] 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 [designate appropriate college staff];
- 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.

Required 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.

Required 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.

Amended by the Board of Trustees: November 13, 2007
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
Education Code Sections 68074, 68075, 68075.5; Title 5, Section 55758,
54041, 54042, 54050, 58620

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 “WE” 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.

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

Reference: AP 4230 AP 4233

Amended by the Board of Trustees: November 13, 2007
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.

Rules Determining Residence
- A student who has resided in the state for more than 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.
  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.

Determination of Resident Status
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 pre-majority-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 than 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 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 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 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 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 than 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, or as 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 two preceding years, 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.

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.

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 preceding 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;

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.

A student who is without lawful immigration status may be classified as a resident if he or she meets 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 for classes not earlier than the fall semester or quarter or enrollment in a course offered by any college in the district for any term commencing on or after 2004-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.

Amended: 8/14/07
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*

*Education Code Section 70902(a), Title 5, Section 51042*

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 Section 76223)
• 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 than 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.

Approved by the Board of Trustees: August 13, 2002
• 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)
• Credit by Examination (Education Code Section 76300, 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 Section 70902(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/health 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
• 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.

Required fees include:

- Enrollment
- Nonresident tuition

Fees authorized by law include:

- Health
- Parking
- Student-Representation
- Student-Center
- Credit-by-Examination

Any future fees will be brought to the Board for consideration.

Collection and Refund of Fees

- 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

Fees at Registration

Deferment of Fees for Out-of-State Financial Aid Students

Students must agree to sign over all financial aid grants and loans toward their outstanding charges as their checks are received to clear their obligations. Students who receive a deferment for registration may enroll in no more than 12 units in order to receive the maximum award amount that can be paid by their grants toward their tuition expenses.

Students who do not receive enough aid to pay for their out-of-state fees may arrange to make payments of outstanding balance that will not be paid by the financial aid grant and loan aid.

Students who have not fulfilled their obligation will not be allowed to enroll the next term until they have cleared their obligation.

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. 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
AP 5031  Instructional Materials Fees

Reference:

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

Students may be required to provide instructional and other 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.

"Soely 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.

Definitions

"Instructional and other materials" means any tangible personal property, which is owned or primarily controlled by an individual student.

"Required instructional and other materials" means any instructional and other materials, which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material, which is necessary to achieve those, required objectives of a course, which are to be accomplished under the supervision of an instructor during class hours. "Soely or exclusively available from the District" means that the material is not available except through the District, or that the District requires that the 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) The material is otherwise generally available, but is provided solely or exclusively by the District for health and safety reasons; or 2) The material is provided in lieu of other generally available but more expensive material which
would otherwise be required.

"Required instructional and other 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 class hours.

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

AP 5040 —— Student Records and Directory Information

Reference:
Education Code Section 76200 et seq.; Title 5, 54600 et seq.

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.
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.
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.

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.
  Insert local procedure on obtaining consent or student request. Requests must be
submitted in writing to the Director of Admissions and Records. 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. Insert local procedure on receiving orders or subpoenas, including definitions of lawfully issued subpoena.

- 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.

- 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 administering 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 $2.00 per copy. Students may request special processing of a transcript.

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, provided they have met all prerequisites for course(s). After the specified registration period concludes, courses may be added only with written permission from the Vice-President of Student Services or designee. The student must have a written note from the instructor stating that the student has either been attending class the entire time and/or has the instructor's permission to add the class on at this late period for some other reason. An instructor's signature and/or initials is not sufficient.

Instructors are to check roster at the beginning of each class to ensure students attending are enrolled.

Faculty should ensure that all active students complete the registration process in a timely fashion.

A deadline for adding classes will be published in the schedule of classes for each term.

- Course Conflicts
  Students with class conflicts must: 1) have a note from either both instructors stating they are aware of the conflict or 2) the instructor of the class will indicate that the student will leave early/arrive late. The note must state what steps will be taken to make-up work or if there are no conflicting problems.

Withdrawals
Withdrawals, or drops, are authorized through the last day of the 14th week of instruction or 75% of the term, whichever is less. Students who withdraw or drop classes during the first four weeks or 30% 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 (14th 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.

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.

Students may withdraw from a course by submitting a drop card to the Admissions and Records Office or by completing the drop process via Self-service Banner on the Gavilan College website at www.gavilan.edu.

The following grading practices apply when withdrawing from a course:

- A student who withdraws from a course prior to 30% of the class meetings being held will receive no grade of record.

- A student may withdraw from a course and receive a grade of "W" prior to the completion of 75% of the class meetings for the course; thereafter, the student will receive whatever grade they would have earned, based upon the entire semester's work.

- A student may withdraw from a course up to four times and receive a grade of "W"; after a fourth "W," the student will receive the grade they would have earned, based upon the entire semester's work.

- A withdrawal may be excluded from the four-time maximum limit in the case of extenuating circumstances such as natural disasters or other circumstances beyond the control of the student including verified cases of accident or illness.

- 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.
Amended: March 8, 2011
Amended: March 9, 2010
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

20 U.S.C. Sections 1070, et seq.;
34 CFR Section 668;
Education Code Section 76300

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.

The President of the College shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs.
Administrative Procedures #5130

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.

20 U.S.C. Sections 1070 et seq.; 34 CFR Section 668; Education Code
Section 76300;
Title 5, Sections 58600 et seq.

Gavilan College Participates in the following Financial Aid Programs:

- Scholarships
- Board of Governors' 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:
In lieu of the handbook, the above information is available to students in 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 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
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 disabled students who can profit from instruction as required by federal and state laws.

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

Administrative Procedures #5140
AP 5140 Disabled Student Programs and Services (DSPS)

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

The District maintains a plan for the provision of programs and services to disabled students 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 DSPS-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
BP 5500 Standards of Conduct

Reference:

*Education Code Section 66300 and 66301*

*Accreditation Standard II.A.7.b*

*Education Code Section 66300, 66301; Accreditation Standard II.A.7.b*

The President, Vice Presidents or designee President of the College 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.
   9. Engaging in harassing or discriminatory behavior based on race, sex, (i.e., gender), religion, age, national origin, disability, 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.

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: November 13, 2007
Amended by the Board of Trustees: February 8, 2005
Approved by the Board of Trustees August 13, 2002
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.
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.
Administrative Services

Chapter 3
BP 3430  Prohibition of Harassment
AP 3430  Prohibition of Harassment
AP 3435  Discrimination and Harassment Investigations
BP 3501  Campus Security and Access
AP 3501  Campus Security and Access
BP 3505  Emergency Response Plan
AP 3505  Emergency Response Plan
AP 3515  Reporting of Crimes
BP 3520  Local Law Enforcement
AP 3520  Local Law Enforcement
BP 3530  Weapons on Campus
AP 3540  Sexual Assaults on Campus

Chapter 5
BP 5800  Prevention of Identity Theft in Student Financial Transactions
AP 5800  Prevention of Identity Theft in Student Financial Transactions

Chapter 6
BP 6450  Wireless or Cellular Telephone Use
AP 6450  Wireless or Cellular Telephone Use
BP 6550  Disposal of Property
AP 6550  Disposal of Property
BP 6900  Bookstore

Chapter 7
BP 7130  Compensation
AP 7130  Compensation
BP 7210  Academic Employees
AP 7212  Temporary Faculty
BP 7240  Confidential Employees
AP 7270  Student Workers
BP 7310  Nepotism
AP 7337  Fingerprinting
AP 7340  Leaves
AP 7343  Industrial Accident and Illness
AP 7346  Employees Called to Military Duty
BP 7365  Discipline and Dismissals – Classified Employees
AP 7365  Discipline and Dismissals – Classified Employees
BP 7380  Retiree Health Benefits: Academic Employees
AP 7380  Retiree Health Benefits: Academic Employees
BP 7381  Retiree Health Benefits: Classified Employees
AP 7381  Retiree Health Benefits: Classified Employees
BP 7510  Domestic Partners
AP 7600  College Security
BP 7700  Whistleblower Protection
AP 7700  Whistleblower Protection
BP 3430 Prohibition of Harassment

Sexual Violence and Hate Crimes

References:
Education Code Sections 212.5, 212.5, 44100, 66252, 66252, and 66281.5, 67385.7

Government Code Section 12950.1;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

NOTE: This policy is legally required.

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment, and all forms of sexual intimidation and exploitation, including acts of sexual violence. It shall also be free of other unlawful harassment and hate crimes, including those that are based on any of the following statuses: race, religious creed, color, religion, ancestry, national origin, ancestry, physical disability, sex (i.e., gender), sexual orientation, or the perception that a person has one or more of the foregoing characteristics.

Harassment and hate crimes based on any of the following statuses are prohibited and will not be tolerated: race, color, religion, ancestry, national origin, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation, or the perception that a person has of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

Sexual: The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment violates state and federal laws, as well as this policy, and will not be tolerated. It is without fear of retaliation or reprisal. Therefore, the District also illegal to retaliate strictly prohibits retaliation against any individual for filing a complaint of sexual harassment or for participating in a sexual harassment investigation, and retaliation investigation. Such conduct is illegal and constitutes a violation of this policy. Sexual: All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment is further defined as unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

Submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
—— submission to or rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;

—— the conduct has the purpose of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work- or education environment; or

—— submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual, and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the Superintendent/President of the College shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity [E.C. 66252] or impacts the terms and conditions of employment.

The Superintendent/President of the College shall establish procedures that define sexual harassment and other forms of harassment on campus. The Superintendent/President of the College shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment and discrimination, and procedures for students to resolve complaints of sexual and other harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

Hate crimes are defined as criminal offenses committed against persons, property, or the institution which is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.

The President of the College will establish procedures to protect the identity of the victim of a hate crime (to the extent desired by the victim), and to inform the public appropriately while respecting the victim’s wishes.

The President of the College will establish procedures to provide prevention and educational information for students and employees regarding sexual violence [E.C. 66281.5 and E.C. 67385.7].

The District and President of the College will seek to prevent crimes involving hate, bigotry, and prejudice through appropriate education at all levels. The President of the College will establish procedures which ensure that training will be conducted for all staff which promotes campus harmony, appreciation for the value of human diversity, and respect for individual rights and dignity. The President of the College will establish procedures to ensure that Gavilan College will immediately, or as soon as is practicable, report all incidents of hate crime to the appropriate local law enforcement agency.

This policy and related written procedures shall be widely published and publicized to administrators,
faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the sexual harassment policy and procedures may be subject to disciplinary action up to and including termination. Students who violate the sexual harassment policy and related procedures may be subject to disciplinary measures up to and including expulsion. In the case of hate crimes, in addition to penalties assessed by criminal courts, the President of the College will establish procedures to hold perpetrators responsible, with appropriate college sanctions, up to and including termination for employees, and up to including expulsion for students.

See Administrative Procedures #3430 and #3435

Amended by the Board of Trustees Oct. 10, 2006
Amended by the Board of Trustees Nov. 11, 2003
Approved by the Board of Trustees: December 11, 2001
AP 3430 Prohibition of Harassment and Sexual Violence and Hate Crimes

Reference:
References:
Education Code Sections 212.5; 44100; 66281.5; 67385.7
Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

NOTE: This procedure is legally required.

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District. It also establishes a procedure for administrative response to hate crimes within the District. This policy also outlines the District policy for providing prevention and educational information regarding sexual violence.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

Definitions:
General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate
touched, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

**Environmental:** A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**Sexual Harassment:** In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- Submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:
sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

sexual harassment occurs when unwelcome conduct based on sex a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning for work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexual harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit or even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Examples: Harassment includes, but is not limited to the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the
circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Consensual Relationships
Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, without the result that sexual conduct that was once welcome becomes unwelcome and harassing. By definition, sexual harassment is not within the course and scope of an individual's employment unless the event that such relationships do occur, the community District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Hate crimes consist of crimes which specifically target individuals or groups for characteristics relating to their ethnicity, color, religion, ancestry, national origin, disability, sex (i.e., gender), sexual orientation, class, or relating to the perception that a person has one or more of the foregoing characteristics.

NOTE: The following is legally advised.

Academic Freedom
To the extent the sexual-harassment policy is in conflict with the District's policy on academic freedom, the sexual-harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom to stimulate dialogue as part of classroom materials or as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

To the extent the hate crimes policy is in conflict with the District's policy on academic freedom, the hate crimes policy shall prevail.

Complaint Procedure for Investigation and Resolution of Claims of Harassment
Reference: Title 5, Section 59320

The Vice President of Administrative Services is the "responsible District officer" charged
with receiving complaints of sexual harassment or other forms of prohibited harassment, and coordinating their investigation.

The Gavilan College "Alleged Discrimination/Harassment Complaint" form is attached and made part of the procedure.

The actual investigation of complaints may be assigned by the President of the College, other staff or to outside persons or organizations under contract with the district. This shall occur whenever the Vice President of Administrative Services is named in the complaint or implicated by the allegations in the complaint.

A student who believes he or she has been sexually harassed, or harassed based on any other protected status, shall make a complaint in writing using the Gavilan College "Alleged Discrimination/Harassment Complaint" form, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint, to any of the following:

- The Vice President, Administrative Services;
- The President of the College;
- The Vice President, Student Services;
- The Vice President, Instructional Services

A staff or faculty member who believes he or she has been sexually harassed, or harassed based on any other protected status, shall make a complaint in writing using the Gavilan College "Alleged Discrimination/Harassment Complaint" form to any of the following:

- The Vice President, Administrative Services;
- The President of the College;
- The Vice President, Student Services;
- The Vice President, Instructional Services

Any District employee who receives a harassment complaint shall notify the Vice President of Administrative Services immediately.

Upon receiving notification of a harassment complaint, the Vice President, Administrative Services shall:

Advise the complainant that he or she need not participate in an informal resolution of the complaint, and that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education. The Vice President of Administrative Services shall also notify the Chancellor of California Community Colleges of the complaint.

Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint.

The investigation will include interviews with the complainant, the accused harasser, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.

Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment giving consideration to all factual information
and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.

Provide the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant shall also be provided with a written notice setting forth the determination of the Vice-President of Administrative Services as to whether sexual harassment or harassment based on any other protected status did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the District's Board of Trustees and the State Chancellor's Office. The results of the investigation and the determination as to whether harassment occurred shall also be reported to the alleged harasser, and the appropriate academic or administrative official(s).

To meet the requirements in Section 67385.7 and Section 66281.5 of the Education Code as amended through AB 1088, the college will:

- Post sexual violence prevention and educational information on the college website and in both on-line and on-ground New Student Orientations
- Provide a printed brochure and include on the website common facts and myths about the causes of sexual violence that includes:
  - Information on how to file criminal charges with local law enforcement
  - Contact information for campus and community resources for students who are victims of sexual violence
  - Information on campus, criminal and civil consequences of committed acts of sexual violence
  - Include information in each printed and online class schedule stating where information related to sexual violence is posted

If harassment occurred, the District shall take remedial or disciplinary action against the harasser. The action will be prompt, effective, and commensurate with the severity of the offense. If discipline is imposed, the nature of the discipline will not be communicated to the complainant.

Disciplinary actions against faculty, staff and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment and to protect the complainant from retaliation as a result of communicating the complaint. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties.
If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal.

A copy of the decision rendered by the Board shall be forwarded to the complainant and to the State Chancellor’s Office. The complainant shall also be notified of his or her right to appeal this decision.

If the Board does not act within forty-five days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

The complainant shall have the right to file a written appeal with the State Chancellor’s Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Section 59350 of Title 5 of the California Code of Regulations.

In any case involving employment discrimination, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant may also file a petition for review with the state Chancellor’s Office within thirty days after the governing board issues the final decision or permits the administrative decision to become final.

Within 150 days of receiving a complaint, the District shall forward to the State Chancellor’s Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his or her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

**Dissemination of Policy and Procedures**

District Policy and Procedures related to harassment will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee’s personnel file. In addition, these policies and procedures are incorporated into the District’s course catalog and orientation materials for new students.

**Training**

Training of academic staff should be conducted emphasizing environmental harassment in the classroom. Each participant in the training should be required to sign a statement where they
check one of two boxes:

I have participated in training regarding the District’s sexual harassment policy. I understand the policy and accept my obligation to comply with the policy.

OR

I do not understand the District’s sexual harassment policy and wish additional training.

Procedure for Prevention and Resolution of Hate-Crime Victimization

The District will seek to prevent and eradicate hate crimes on its campus.

The Vice President of Administrative Services will be the “responsible District officer” in following up hate crimes. Upon receiving notice of a possible hate crime from the college Security department, the VP of Administrative Services shall:

--as soon as is practical report to the Public Information Officer and college president the general nature, as well as the approximate time and place, of the hate crime or suspected crime

The Public Information Officer will, in a timely matter, publicize to all staff and students that an incident that is or may be a hate crime has been committed; the general nature, and approximate time and place of the crime will be disclosed.

--turn over all information about the alleged hate crime to local law enforcement agents for investigation.

The College President will, in a timely and forceful manner, issue a public statement describing the hate crime or suspected crime in general terms, and condemning hate crimes on a campus devoted to the pursuit of higher learning.
GAVILAN COLLEGE

Gavilan-Generated Form

ALLEGED

DISCRIMINATION/HARASSMENT COMPLAINT

PLEASE PRINT

NAME: ___________________________ DATE: ______________________

(Complainant) ___________________________ (of Alleged Discrimination)

ADDRESS: ___________________________ ___________________________

(Street or PO Box) ___________________________ (Zip Code)

HOME PHONE: (____) ___________________________ MESSAGE: ___________________________

COMPLAINT STATUS: ___________________________ Student ___________________________ Management

___________________________ Faculty ___________________________

___________________________ Job Applicant ___________________________ Other (please specify).

I WISH TO COMPLAIN AGAINST: Name of person, college, or activity: ___________________________

Address: ___________________________ ___________________________ ___________________________

(Street or PO Box) ___________________________ (City) ___________________________ (Zip Code)

I ALLEGED THAT I WAS DISCRIMINATED AGAINST ON THE BASIS OF: Please check only those which apply

___________________________ Race/Ethnicity ___________________________ Religion/Creed ___________________________ Color ___________________________ National Origin ___________________________ Ancestry

___________________________ Disability / Disability Disclosed ___________________________ To Whom ___________________________ Gender

___________________________ Marital Status ___________________________ Sexual Orientation ___________________________ Sexual Harassment ___________________________ Age

I FEEL I WAS DISCRIMINATED AGAINST FOR THE FOLLOWING REASON(S): Describe the incident, the participants and any attempts you have made to solve the problem. Give relevant dates, times and places.

_______________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

WITNESSES: Persons who can provide information regarding this complaint.

NAME ___________________________ ADDRESS ___________________________ PHONE ___________________________

_____________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

REMEDY SOUGHT: Specify what you think can and should be done to solve the problem.

_____________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________


I CERTIFY THAT THIS INFORMATION IS CORRECT AND TO THE BEST OF MY KNOWLEDGE

(Signature of Complainant) ___________________________ (Date)
(use additional paper if necessary)

(Signature of Person Helping Complainant Complete Complaint Form) ___________________________ (Date)
AP 3435 Discrimination and Harassment Investigations

References:
Education Code Section 66281.5;
Government Code Section 12950.1;
Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;
34 Code of Federal Regulations Section 106.8(b)

NOTE: This procedure is legally required.

Filing a Timely Complaint: Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity.

Communicating that the Conduct is Unwelcome: The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

Oversight of Complaint Procedure: The Vice President of Administrative Services [designate-position] is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints may be assigned by the Vice President of Administrative Services [insert by whom] to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the [designate officer] is named in the complaint or implicated by the allegations in the complaint.

Who May File a Complaint: Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint: A student, employee, or third party who believes he/she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the State
Chancellor's Office. These approved forms are available from the [designate officer] and at the following URL: www.cccco.edu/divisions/legal/discrimination/discrimination.htm

The completed form must be filed with any of the following:

- The Vice President of Administrative Services [designate officer];
- The Chief Student Services Officer, the Chief Instructional Officer and/or the Chief Human Resources Officer identify others, including the Chief Student Services Officer, Chief Human Resources Officer and CEO; and/or
- the State Chancellor's Office.

Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC and/or the DFEH should be forwarded to the State Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Vice President of Administrative Services [designate officer] immediately.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Vice President of Administrative Services [designate officer] shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Vice President of Administrative Services [designate officer] shall also notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Vice President of Administrative Services [designate officer] should notify the complainant of his or her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.
• Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.

• Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

• Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant’s right to appeal to the District’s governing board, and if the complainant is a student, the right to appeal to the State Chancellor. If the complainant is an employee, the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain any other appropriate information.

• Provide the complainant and accused with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant and accused shall also be provided with a written notice setting forth the determination of the Vice President of Administrative Services [CEO or designee] as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties’ rights to appeal to the District’s Board of Trustees and the State Chancellor’s Office. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused.

Investigation of the Complaint: The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities, on a District bus, or at a class or training program sponsored by the District at another location.

As set forth above, where the complainant opts for an informal resolution, the Vice President of Administrative Services [designated officer] may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a “need-to-
know-basis is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

**Investigation Steps:** The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

**Timeline for Completion:** The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint.

**Cooperation Encouraged:** All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

**Discipline and Corrective Action**
If harassment, discrimination and/or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
• preventing offending third parties from entering campus;
• providing counseling services;
• providing medical services;
• providing academic support services, such as tutoring;
• arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record; and
• reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

If discipline is imposed, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District’s ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

**Appeals**

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the
complainant and to the State Chancellor’s Office. The complainant shall also be notified of his/her right to appeal this decision.

If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

The complainant shall have the right to file a written appeal with the State Chancellor’s Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant may also file a petition for review with the State Chancellor’s Office within thirty days after the governing board issues the final decision or permits the administrative decision to become final.

Within 150 days of receiving a formal complaint, the District shall forward to the State Chancellor’s Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

Dissemination of Policy and Procedures
District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District’s website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee’s personnel file. In addition, these policies and procedures are incorporated into the District’s course catalogs and orientation materials for new students.

Training
By January 1, 2006, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position. After January 1, 2006, the District shall provide sexual harassment training and education to each supervisory employee once every two years.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical
examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

**NOTE:** The following is suggested as good practice, and will generally be viewed by a court as helping to reduce District liability.

Training of all staff will be conducted. This includes counselors, faculty, health personnel, law enforcement officers, coaches, and all staff who regularly interact with students. Training for academic staff should emphasize environmental harassment in the classroom. The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District’s potential liability, or that they did not understand the policy and desire further training.

**Education and Prevention for Students**

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District’s policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

**Note:** This AP would be new to Gavilan.
AP 5020- Non Resident Tuition

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

- 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.

The Administrative Handbook will include the following:

- Exemptions, if any
- 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
Unlawful Discrimination Complaint Form

Name: 

Last   First

Address: 

Street or P.O. Box   City   State   Zip

Phone: Day (   )   Evening (   )

I Am A: □ Student □ Employee □ Other: ________________________________

I Wish To Complain Against:

District: __________________ College: ________________________________

Date of Most Recent Incident of Alleged Discrimination:

(Nonemployment complaints must be filed within one year of the date of the alleged unlawful discrimination. Employment complaints must be filed within six months of the date of the alleged unlawful discrimination.)

I Allege Discrimination Based on the Following Category Protected under Title 5 (you must select at least one):

□ Age    □ Ethnic Group Identification □ Physical Disability
□ Religion □ Ancestry □ Mental Disability
□ Race □ Sex/Gender (includes Harassment)
□ Color □ National Origin □ *Retaliation
□ Sexual Orientation □ Perceived to be in protected category or associated with those in protected category

Clearly state your complaint. Describe each incident of alleged discrimination separately. Attach additional pages as necessary. For each incident provide the following information:
1) Date(s) the discriminatory action occurred.


2) Name of individual(s) who discriminated.


3) What happened.


4) Witnesses (if any).


5) Why you believe the discrimination was because of your religion, age, race, sex or whatever basis you indicated above.


*6) If applicable, explain why you believe you were retaliated against for filing a complaint or asserting your right to be free from discrimination on any of the above grounds.


Unlawful Discrimination Complaint
What would you like the District to do as a result of your complaint -- what remedy are you seeking?

________________________

________________________

________________________

________________________

I certify that this information is correct to the best of my knowledge.

________________________  _______________________
Signature of Complainant    Date

Send Original to the District, or: Chancellor's Office, California Community Colleges
1102 Q Street
Sacramento, California 95811-6549

(Revised 02/08)  Attention: Legal Affairs Division

Unlawful Discrimination Complaint 3
BP 3501 Campus Security and Access

Reference:
34 CFR 668.46(b)(3)

Note: This policy is legally required.

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

See Administrative Procedures #3501.

New Policy for Gavilan
AP 3501 Campus Security and Access

Reference:
34 CFR 668.46(b)(3)

Note: This procedure is legally required.

During business hours, the District will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all District facilities is by key, if issued, or by admittance via the [Campus Police or Campus Security] [if District has on-campus housing facilities, add the following: “or housing staff”]. In the case of periods of extended closing, the District will admit only those with prior written approval to all facilities.

[If the District has on-campus housing, the following paragraph is legally required.]
Residence halls are secured 24 hours a day. Over extended breaks, the doors of all halls will be secured around the clock, and will be equipped with a lock separate from the regular key issued to resident students. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic will have regular periodic security surveys. Administrators from the [Chief Student Services Officer], [list other applicable departments], Director of Security and Support Services and the Director of Facilities, and other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the [Campus or District Facilities Maintenance Officer, Campus Security Officer or Chief of Campus Police, and if the District has on-campus housing add: Chief Student Services Officer] Vice President of Administrative Services, Director of Security and Support Services and Director of Facilities and Maintenance meet to discuss issues of pressing concern.

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

New Policy for Gavilan
BP 3505 Emergency Response Plan

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

Note: The following policy language is legally required.

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

Note: The following policy language is legally advised.

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

Compliance with NIMS and SEMS mandates include but are not limited to:
- Establishing disaster preparedness procedures or a plan; and
- Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
  - Training requirements vary based on job titles or assigned roles within the emergency plan

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

The plan should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all
phases of emergency management including mitigation and prevention, preparedness, response and recovery. The District must ensure that its plan is updated regularly. Colleges must comply with NIMS and SEMS to receive federal or state funding.

New Board Policy for Gavilan

See Administrative Procedure 3505
AP 3505 Emergency Response Plan

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

Note: This procedure is legally required.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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

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

Upon confirmation or verification by the District that a legitimate emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the District will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The District will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Security, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
In the event of a serious incident that poses an immediate threat to members of the campus community, the District has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages that can be sent to a phone or Personal Digital Assistant (individuals can sign up for this service on the District web site), public address system, phone calling trees, District website and emergency messages that scroll across computer screens when logged into the District’s computer system. The District will post updates during a critical incident on the District web site at www.gavilan.edu. Individuals can call the District’s recorded information telephone line at 408-848-XXXX for updates.

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

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

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

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

Note: This procedure is legally advised.

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

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

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

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

Scope and Definitions

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

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

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

Crisis Management Response Structure

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

**Update and Drill**

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

**Emergency Response Team Responsibilities**

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

**Emergency Level Definitions and Responses**

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

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

**Level 1 Emergency (least serious)**

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

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

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

Level 2 Emergency

Characteristics
- requires outside assistance, primarily from local services
- may involve large portions or all of campus
- potential loss of life
- potential serious impact on health, safety, or property
- will interrupt classes and college operations for more than half a day
- pandemic outbreak

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

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

Level 3 Emergency (most serious)

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

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

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

EMERGENCY TELEPHONE NUMBERS

AMERICAN RED CROSS 800-733-2767
SAFETY "10" or 408-710-7490
EMERGENCY MANAGEMENT OFFICE 916-845-8510
FBI 415-553-7400 (San Francisco Office)
FIRE/POLICE/MEDICAL EMERGENCY 911
HEALTH SERVICES (from on campus) 408-848-4791 or ext. 4791
DISTRICT LEGAL COUNSEL

THE GAS COMPANY PG&E 800-743-5000
POISON CONTROL CENTER 800-222-1222
THE ELECTRIC COMPANY PG&E 800-743-5000
POLICE/LOCAL LAW ENFORCEMENT:
Emergency 911
Non-emergency:
On Gilroy Campus "10" or 408-710-7490
City of Hollister 831-636-4330
City of Morgan Hill 408-779-2101
Santa Clara County Sheriff 408-683-2681
LOCAL HOSPITAL:
Saint Louise Regional Hospital (Gilroy) 408-848-2000
Hazel Hawkins Memorial Hospital 831-637-5711
LOCAL TRAUMA CENTER:
Santa Clara Valley Medical Center 408-885-5000

Additional Resources/Information

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

Federal Emergency Management Agency
www.fema.gov

Red Cross
www.redcross.org

The Office of Homeland Security
www.whitehouse.gov/homeland/

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

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

Emergency Plan adopted by the Board of Trustees on October 12, 2010. This is a new AP for Gavilan and summarizes the Plan.
AP 3515  Reporting of Crimes

References:
Campus Security Act of 1990

Note: This procedure is legally required. Local practice may be inserted, but should include the following requirements.

Members of Gavilan College who are witnesses or victims of a crime should immediately report the crime to campus security (appropriate law enforcement authorities).

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

The District shall publish timely warnings to the campus community about the following crimes:
- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Persons who were not arrested for liquor law violations, drug law violations, and illegal weapons possession, but who were referred for campus disciplinary action for same;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability and involve larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury.
- Those reported to campus security [appropriate law enforcement authorities]; and
- Those that are considered to represent a continuing threat to other students and employees.

In the event that a situation arises, either on or off campus, that in the judgment of the Director of Security and Support Services or designee [designated officer, which may be the chief of campus police], constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the college e-mail system to students, faculty, staff and the campus' student newspaper - that are considered to represent a continuing threat to other students and employees. The information shall be disseminated by campus security or the Public Information Officer [insert designated officer] in a manner that aids the prevention of similar crimes.

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

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

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

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

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

The District shall publish an annual security report that includes statements about campus law enforcement policies, campus security education and prevention programs, alcohol and drug policies, sexual assault education and prevention programs, procedures for reporting sexual assaults, and procedures explaining how sexual assaults will be handled. [See, AP 3540]

To Report a Crime:
Contact [Designated Campus Security Office or Campus Police Department] at 408-848-4703 (non-emergencies) and dial 9-1-1 or "10" from a campus phone and/or 408-710-7490 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the security police department. In addition you may report a crime to the following areas:

- **Vice President of Chief Student Services Officer**
  408-848-4732

- **Chief Counseling Officer**
  408-848-4723

- **Chief Student Health Nurse Officer**
  408-848-4791

- **Director of Chief Human Resources Officer**
  408-848-4753

**[NOTE: Either Alternative 1 or Alternative 2 must be selected. One of the Alternatives is legally required.]**

**[Alternative 1]**

If you are the victim of a crime and do not want to pursue action within the District’s System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the [insert designated office] can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The [designated office or campus police] encourage anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the [campus police department] police cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified below. Confidential reports of crime may also be made to [insert designated office] at [XXX-XXXX].

**[Alternative 2]**

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

*Note: The following procedure is not required but authorized pursuant to 34 CFR 99.31(a)(13),(14). It is suggested as good practice.*
The District may disclose the final results of disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. The District may also disclose to anyone, the final results of a disciplinary proceeding in which it concludes that a student violated District policy with respect to a crime of violence or non-forcible sex offense. The offenses that apply to this permissible disclosure are:

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

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

Approved by the Board of Trustees December 11, 2001
BP 3520  Local Law Enforcement

Reference: References:
Education Code Section 67381;
34 Code of Federal Regulations Section 668.46(b)(4)

Note: This policy is legally required and is applicable whether or not the District includes a police department as part of its structure.

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

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

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

See Administrative Procedure #3520

Approved by the Board of Trustees: December 11, 2001
AP 3520  Local Law Enforcement

Reference: References:
Education Code Section 67381;
34 Code of Federal Regulations Part 668.46

NOTE: This procedure is legally required and should be in place whether or not the District includes a police department as part of its structure. Because there have been no amendments to the Kristin Smart Campus Safety Act of 1998, and because the Board of Governors has not enacted regulations, it is recommended that the procedures simply restate the Board Policy, and also incorporate any local practices that have been developed and agreed upon with local law enforcement agencies.

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

The written agreement designates which law enforcement agency has operational responsibility for violent crimes and delineates the specific geographical boundaries of each agency’s operational responsibility, including maps as necessary.

The written agreements required by the Board policy are public records and are made available for inspection by members of the public upon request to the Vice President, Administrative Services.

NOTE: This procedural language is legally required by The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 United States Code Section 1092(f)).

The Security Department [identify name of District Police Department or responsible security official] maintains a close working relationship with the Santa Clara County Sheriff’s Department (SCCSD) law enforcement authority. The Security Department [District Police Department or Security Services] occasionally works with other law enforcement agencies, including the California Highway Patrol, San Benito County Sheriff’s Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments [identify law enforcement agencies]. Meetings may be held between the leaders of these agencies on both a formal and informal basis. The Security Department [District Police Department or Security Services] and California Highway Patrol, SCCSD, San Benito County Sheriff’s Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments [identify law enforcement agencies] communicate regularly on the scene of incidents that occur in and around the campus area. When incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, the Security Department [District Police Department or Security Services] will work closely with the California Highway Patrol, SCCSD, San Benito County Sheriff’s Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments [identify law enforcement agencies]. There is or is not a written memorandum of understanding between the Security Department [District Police Department or Security Services] and the California Highway Patrol, SCCSD, San Benito County Sheriff's
In response to a call, the Security Department [District Police Department or Security Services] will take the required action, dispatching an officer or asking the victim to file an incident report. All incident reports received by the Security Department [District Police Department or Security Services] are forwarded to the Vice President of Student Services [Chief Student Services Officer] for review and potential action. The Security Department [District Police Department or Security Services] may investigate a report when it is deemed appropriate.

Crimes should be reported to the Security Department [District Police Department or Security Services] to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Security Department [District Police Department or Security Services] in a timely manner. To report a crime or an emergency on the [Identify campus], call the Security Department [District Police Department or Security Services] at 408-710-7490-[XXX-XXX-XXXX]. To report a non-emergency security or public safety related matter, call the Security Department [District Police Department or Security Services] at 408-848-4703-[XXX-XXX-XXXX].

NOTE: For institutions with District Police, the following language is legally required

The District Police have complete police authority to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If minor offenses involving District rules and regulations are committed by a student, the campus police may also refer the individual to the [Chief Student Services Officer]. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the local law enforcement and the District Police Department and local law enforcement work together to solve these serious felony crimes. District Police personnel work closely with local, state, and federal police agencies. The District Police Department is also a part of the local 911 Emergency System. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations, is monitored and recorded. This information is provided to the [Chief Student Services Officer] for any action or follow-up that may be required.

NOTE: For institutions with other responsible security officials, the following language is legally required

Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the District. Safety and Security officers do not possess arrest power. Criminal incidents are referred to the local law enforcement officers who have jurisdiction on the campus. The District maintains a highly professional working relationship with the California Highway Patrol, SCCSD, San Benito County Sheriff's Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments [local law enforcement agencies]. All crime victims and witnesses are strongly encouraged to immediately report the crime to campus Security Services Office and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.
Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not considered to be a campus security officers and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

A Pastoral Counselor is a person who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

A Professional Counselor is an employee of a District whose official responsibilities include providing psychological counseling to members of the District’s community and who is functioning within the scope of his or her license or certification.

All reports will be investigated. The District does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to law enforcement agencies and when appropriate, to the District’s Disciplinary Committee for review. When a potentially dangerous threat to the District’s community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.
BP 3530 Weapons on Campus

Reference:

*Penal Code Sections 6267-626.9 and 626.10*

Firearms or other weapons shall be prohibited on any college or District center or in any facility of the District except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

See Administrative Procedure #3530

Approved by the Board of Trustees December 11, 2001
AP 3540 Sexual Assaults on Campus

References:
Education Code Section 67385;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

Note: This procedure is legally required. Local practice may be inserted. The following are the minimum requirements contained in the Education Code and in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("the Clery Act," 20 U.S. Code Section 1092(f)). The requirements of the Clery Act are broader than those found in California's Education Code, and apply to all institutions of higher learning that receive federal aid. Districts may insert local procedures: the following example may be used as a guide.

In addition, the District may wish to include procedures on responding to sexual assaults at District sponsored activities on non-District property.

This sample procedure addresses sexual assaults only. Board Policy 3540 addresses both sexual and physical assaults. Districts may wish to cross reference the administrative procedures related to physical assaults, including AP 3500, 3510, and 3515 [or insert local numbers].

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

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

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

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

The Director, Security and Support Services or designee shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the District's policy and procedure regarding sexual assault;
• A list of personnel on campus who should be notified of the assault, and procedures for such notification, if the alleged victim consents;
  o Security Department: dial "10" on Gilroy campus telephone or 408-710-7490
  o Vice President of Student Services at 408-848-4732
  o Vice President of Administrative Services at 408-848-4715
• County Sheriff's Department at 911
• A description of available services, which include 911 services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include: [list person or office responsible after each item]
  o transportation to a hospital, if necessary;
  o counseling by [designate], or referral to a counseling center;
  o notice to the police, if desired;
  o a list of other available campus resources or appropriate off-campus resources
    including "What is Sexual Assault" brochure.
• A description of each of the following procedures:
  o criminal prosecution;
  o civil prosecution (i.e., lawsuit);
  o District disciplinary procedures, both student and employee;
  o modification of class schedules;
  o tutoring, if necessary.

The Vice President of Administrative Services [designate position] should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

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

The District shall maintain the identity of any alleged victim or witness of sexual assault on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the District's Public Information Officer who shall work with the Director, Security and Support Services to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:
• A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;
• Procedures to follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
• Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
• Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
• Notice to students that the campus will change a victim's academic situation after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available;
• Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:
  o The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
  o Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.
• A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

Education and Prevention Information
The Vice President of Administrative Services (employees) and the Vice President of Student Services (students) {designate position} shall:
• Provide, as part of each campus' established on-campus orientation program, education and prevention information about sexual assault. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
• Post sexual violence prevention and education information on the campus internet website.

Approved by the Board of Trustees: December 11, 2001
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.

New 6/2012
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 District's covered accounts
      3. The methods the District provides to access the District's covered accounts; and
      4. The District's 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 patterns. 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 patterns 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, or 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 District's 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
   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, and 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.

*New: 6/2012*
This policy was revised to reflect changes in the IRS classification of employer-issued cellular phones.

BP 6450 Wireless or Cellular Telephone Use

References:
Vehicle Code Sections 12810.3, 23123, and 23124;
Internal Revenue Code (I.R.C.) Sections 274(d)(4) and 280(d)(4)

The Superintendent/President shall determine if it is in the best interests of the District to provide a cellular or wireless phone at District expense.

Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as a fringe benefit, the value of which must be included in the employee’s gross income.

The value of a cellular telephone provided by the District primarily for noncompensatory business purposes is excludable from an employee’s income. Record keeping of business and personal use of District-issued cellular telephones shall not generally be required when the telephones are issued for noncompensatory business reasons. The District shall require employees to keep records to distinguish between business and personal calls made on wireless or cellular telephones provided by the District. Cellular telephones provided by the District are classified by the Internal Revenue Service as “listed property” and may be included as employee wages, unless they are used exclusively for business purposes.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device and shall comply with all requirements of California law regarding the use of wireless or cellular telephones in vehicles.

There shall be no expectation of privacy in the use of a District-issued cellular telephone.

See Administrative Procedures # 6450 and # 6451

Approved by the Board of Trustees: December 13, 2011
AP 6450 Wireless or Cellular Telephone Use

References:
Vehicle Code Sections 12810.3, 23123, and 23124;
Internal Revenue Code (I.R.C.) Sections 274(d)(4) and 280(d)(4)

NOTE: This procedure is legally advised

The Superintendent/President shall determine if it is in the best interests of the District to provide a cellular or wireless telephone at District expense.

Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as "listed property"—a fringe benefit, the value of which must be included in an employee's gross income, and may be included as employee wages, unless they are used exclusively for business purposes.

The value of a cellular telephone provided by the District primarily for noncompensatory business purposes is excludable from an employee's income. Employees will generally not be required to keep notes of business and personal use of District-issued cellular telephones when the telephones are issued for noncompensatory business reasons.

NOTE: The value of the business use of a District-provided cellular telephone is excludable from an employee's income as a working condition fringe benefit to the extent that, if the employee paid for the use of the cellular telephone themselves, such payment would be allowable as a deduction under Income Tax Regulations Section 162 for the employee. A District will be considered to have provided an employee with a cellular telephone primarily for non-compensatory business purposes if there are substantial reasons relating to the District's business, other than providing compensation to the employee, for providing the employee with a cellular telephone. When a District provides an employee with a cellular telephone primarily for non-compensatory business reasons, the IRS will treat the employee's use of the cellular telephone for reasons related to the employer's trade or business as a working condition fringe benefit, the value of which is excludable from the employee's income and, will treat the value of any personal use of a cellular telephone provided by the employer primarily for non-compensatory business purposes as excludable from the employee's income as a de minimis fringe benefit.

Employees shall maintain supporting documentation regarding personal and business use to permit the District to include a pro-rata share of the value of the phone and the monthly services charges for personal wireless or cellular telephone use. Failure to document such usage will result in the classification of the value of the wireless or cellular telephone and the monthly service charges as employee income.

The District shall monitor the wireless or cellular telephone usage of its employees to ensure their compliance with this policy. These rules do not apply to wireless or cellular phones owned by employees. Any reimbursements to employees for use of their own wireless or cellular
telephones may be excluded from wages if the employee accounts for the expense pursuant to the Internal Revenue Service accountable plan.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device. Drivers may use a wireless or cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes. Drivers of motor trucks or truck-tractors, farm vehicles, tow trucks, a listed or described implement of husbandry, or a commercial vehicle, used in commercial agricultural operations may use a digital two-way radio service that utilizes a wireless or cellular telephone.

There shall be no expectation of privacy in the use of a District-issued cellular telephone.

See Administrative Procedure #6451
BP 6550 Disposal of Property

References:

*Education Code Sections 70902(b)-(6), 81282, 8138481360 et seq., and 8145281450 et seq.*

The *Superintendent/President* of the College is delegated authority by the Board to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

See Administrative Procedures 6550

Amended by the Board of Trustees: December 13, 2011
Approved by the Board of Trustees April 9, 2002
AP 6550 Disposal of Property

References:

*Education Code Sections 70902(b)(6), 81360 et seq., and 81450 et seq.*

Procedures for the disposal of property shall include:

- Delegation by the *Superintendent/President of the College* to appropriate administrator(s) of authority to dispose of property to highest bidder after payment has been received by the district;

- Schedule for disposal of personal property (e.g., library books, theatre props);

- Schedule for disposal of equipment (e.g., computers, copiers, vehicles);

- Dollar limits on value of property that can be disposed of without prior approval;

- Authority to dispose of property in lots;

- Requirement for posting in at least three public places in the district for not less than two weeks, or publication at least once a week for a period of not less than two weeks in a district newspaper;

- Provision that staff may dispense with posting/publication and sale to the highest bidder if:
  - the surplus property is exchanged with, sold, or donated to a school district, community college district, or other public entity and
  - proceeds from sale or lease are expended for capital outlay purposes related to qualified community college facilities and the district complies with specified conditions;

- Schedule for reporting to board (e.g., annually, quarterly);

- Provision, if district chooses to include it, that district employees may not buy property declared to be surplus (this is an element of conflict of interest), and

- Provision for board action for disposal of property under $5,000.

The District may sell for cash any district personal property if the property is not required for district purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the district for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the district and having a general circulation. If there is not such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is not such
newspaper, then in a newspaper having a general circulation in the county in which the district or any part thereof is situated. The designee shall sell the property to the highest responsible bidder, or shall reject all bids.

Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the district, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.

The District can also exchange for value, sell for cash, or donate any personal property belonging to the district without complying with the preceding procedures if all of the following criteria are met:

a) The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use;

b) The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated, and

c) The receipt of the property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.

In addition, the District can sell or lease real property belonging to the community college district if both of the following conditions are met:

a) The property is sold or leased to another local governmental agency, or to a nonprofit corporation that is organized for the purpose of assisting one or more local governmental agencies in obtaining financing for a qualified community college facility and

b) The financial proceeds are expended solely for capital outlay purposes relating to a qualified community college facility.

If the board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars ($5,000), the property may be sold by designee at private sale without advertising,

Any item or items of property having previously been offered for sale as provided in Education Code Section 81450 above, but for which no qualified bid was received, may be sold by designee at private sale without advertising.

In addition, the Board may sell or lease real property belonging to the District under the following conditions:

If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board, the Board may be majority vote delegate to an officer or
employee the power to enter into leases, for and in behalf of the district, of any real property of the District.

Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the district if, prior to the sale or lease, the Board has determined that the district has no anticipated need for additional sites or building construction for the five-year period following the sale or lease.

Amended by the Board of Trustees: October 11, 2011
Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees April 9, 2002
BP 6900 Bookstore

References:

*Education Code Section 81676*
*Civil Code Section 1798.90*

College bookstore shall be established and operated by either the District or by a qualified vendor.

Contracts for outside vendors to operate bookstores shall be awarded by competitive bid, submitted to the Board for approval, and awarded in the best interests of the students.

*College bookstore shall comply with the requirements of the Reader Privacy Act.*

Amended by the Board of Trustees: December 13, 2011

Approved by the Board of Trustees, April 9, 2002
BP 7130 - Compensation

References:
Education Code Sections 70902(b)(4); 87801; and 88160;
Government Code Section 53200;

Salary schedules, compensation and benefits, including health and welfare benefits, for all classes of employees and each contract employee shall be established by the Board.

NOTE: This policy is legally required in an effort to show good faith compliance with the applicable federal regulations.

Prohibition of Incentive Compensation
[Except as applicable to foreign students residing in foreign countries who are not eligible to receive federal student assistance.] The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as "covered employees" for purposes of this policy.

See Administrative Procedure 7130
AP 7130 Compensation

References:
Education Code Sections 87801 and 88160;
Government Code Section 53200;
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.

Note: This procedure provisions below are legally required in an effort to show good faith
compliance with the applicable federal regulations.

Prohibit of Incentive Compensation
Senior managers and executive level employees who are only involved in the development of
policy and do not engage in individual student contact or the other covered activities will not
generally be subject to the incentive compensation ban.

The Superintendent/President [CEO] shall identify any covered employees of the District and
determine whether the District's compensation arrangements comport with the prohibition on
incentive compensation, and to the extent that they do not, make necessary modifications to
comply. Similarly, the Superintendent/President [CEO] shall identify any covered service
providers, evaluate whether the contract pricing structure is consistent with the prohibition on
incentive compensation, and if not, determine what modifications the District can make to any
applicable contract.

This is a new AP for Gavilan.
BP 7210 Academic Employees

References:
Education Code Sections 87400 et seq—87419.1; 87600 et seq;
and 87482.8;
Title 5, Section 51025

Academic employees are all persons employed by the District in academic positions. Academic positions include every type of service, other than paraprofessional service, for which minimum qualifications have been established by the Board of Governors for the California Community Colleges.

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, DSPS, and EOPS.

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty and in accordance with the requirements of the Education Code. The Board reserves the right to determine whether a faculty member shall be granted tenure.

The District may employ temporary faculty from time to time as required by the interests of the District. Temporary faculty may be employed full time or part time. The Board delegates authority to the Superintendent/President of the College to determine the extent of the District's needs for temporary faculty.

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and the Title 5-required District five-year plan for making progress toward the standard of 75% of total faculty work load hours taught by full-time faculty.

See Administrative Procedures 7211, 7212, 7215, and 7216

Approved by the Board of Trustees: November 11, 2003
AP 7212  Temporary Faculty:

References:

Education Code Sections 87481.5, 87482.4, 87482.5, and 87482.8

The following is provided as an illustrative example.

Note: This procedure is legally advised. Local practice may be inserted. The following is provided as an illustrative example.

The District may employ any qualified individual as a temporary faculty member for a complete school year, but not less than one semester or quarter during a school year unless the date of rendering first paid service begins during the second semester or third quarter and prior to March 15th. The employment of these persons shall be based upon the need for additional faculty during a particular semester, quarter, or year because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need.

The District may employ any qualified individual as a temporary faculty member for a complete school year but not less than a complete semester or quarter during a school year. The employment of those persons shall be based upon the need for additional faculty during a particular semester or quarter because of the higher enrollment of students during that semester or quarter as compared to the other semester or quarter in the academic year, or because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need. Such employment may be pursuant to contract fixing a salary for the entire semester or quarter. No person, other than a person serving as clinical nursing faculty, shall be so employed for more than two semesters or three quarters within any period of three consecutive years.

A person serving as a temporary clinical nursing faculty may be employed for up to four semesters or six quarters within any period of three consecutive years between July 1, 2007 and June 30, 2014, as long as the hiring of that person does not result in an increase in the ratio of part-time to full-time nursing faculty in the district.

Any person who is employed to teach classes for not more than 60-67 percent of the hours per week that are considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee. However, any agreement prior to January 1, 2009, to limit temporary faculty members to 60 percent of the hours per week that are considered a full-time assignment will govern until the expiration of the agreement. Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

Screening for temporary faculty shall, insofar as possible, be conducted in accordance with District practices and procedures for employment of regular faculty. In particular, there shall be consideration given to principles of selection that assure the greatest opportunity for participation by underrepresented groups as required by District policies and procedures.

Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: November 11, 2003
BP 7240  Confidential Employees

Reference:
Government Code Section 3540.1(c)

Confidential employees are those who, in the regular course of their employment, are required to develop or represent management positions with respect to employer-employee relations or whose duties, have normally require access to or possess confidential information relating to the District's employer-employee relations and who are not managers that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Board in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Superintendent/President of the College. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

See Administrative Procedure 7240.

Approved by the Board of Trustees: November 11, 2003
AP 7270  Student Workers

References:
   Education Code Sections 69960(f) and 88003
   Government Code Section 18220

NOTE: The following element is legally required.

Districts, when hiring for internships and student assistant positions, shall give preference to applicants up to 26 years of age who are, or have been, dependent children in foster care.
BP 7310  Nepotism

References:
Government Code Sections 1090 et seq. and 12940 et seq., 12920 et seq., 1090 et seq.

The District does not prohibit the employment of relatives [or domestic partners as defined by Family Code Section 297 et seq.] in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the relative [or domestic partner as defined by Family Code Section 297 et seq.].

Immediate family means spouse, parents, grandparents, siblings, children, grandchildren and in-laws or any other relative living in the employee's home.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

Approved by the Board of Trustees: November 11, 2003
AP 7337 Fingerprinting

References:
Education Code Sections 87013; and 88024;
Penal Code Sections 11102.2 and 11077.1

Note: This procedure is legally required for classified employees and optional for academic employees. Local practice may be inserted. It is legally advised to make fingerprinting mandatory as to all employees.

Classified Employees

The District, within 10 working days of date of employment, shall require each person to be employed, or employed in, a nonacademic position to have two 8 X 8 fingerprint cards bearing the legible rolled and flat impressions of that person's fingerprints together with a personal description of the applicant or employee, as the case may be, prepared by a local public law enforcement agency having jurisdiction in the area of the District.

Identification cards are completed as follows: preparation and retention of Live Scan form and receipt. The cards shall be prepared by a local public law enforcement agency having jurisdiction in the area of the District.

The fee for the service is as determined by the state Department of Justice to be sufficient to reimburse the department for the costs incurred in processing the application.

The fee is forwarded to the Department of Justice with two copies of applicant's or employee's fingerprint cards. The District shall collect an additional fee not to exceed two dollars ($2) payable to the local public law enforcement agency. The additional fees are be transmitted to the California Department of Justice.

The fee is reimbursed to an applicant who submits fingerprints in accordance with these procedures and who is subsequently hired by the District within 30 days of the application. Funds not reimbursed to applicants are credited to the general fund of the District.

If the fingerprint cards forwarded to the Department of Justice are those of a person already in the employ of the governing board, the District pays the fee required by this section. The fee shall be a proper charge against the general fund of the District, and no fee shall be charged the employee.

Substitute and temporary employees employed for less than a school year are not exempted from these procedures.

Academic Employees

Whenever the District employs a person in an academic position and that person has not previously been employed by a school or community college district in this state, the District, within 10 working days of the person's date of employment, requires the individual to have duplicate personal identification cards upon which shall appear the legible fingerprints and a personal description of the employee prepared by a local law enforcement agency having
jurisdiction in the area of the district. The law enforcement agency transmits the cards, together with any applicable fee, to the Department of Justice.

The local law enforcement agency, upon receipt of information from the Department of Justice, excerpts from the history all information regarding any convictions of the employee and shall forward that information to the District.

The District may provide the means whereby the identification cards may be completed and may charge a fee determined by the Department of Justice to be sufficient to reimburse the Department for the costs incurred in processing the application. The amount of the fee shall be forwarded to the Department of Justice, with two copies of applicant's or employee's fingerprint cards. The District shall collect an additional fee not to exceed two dollars ($2) payable to the local public law enforcement agency taking the fingerprints and completing the data on the fingerprint cards.

Approved by the Board of Trustees: November 11, 2003
BP 7340 Leaves

References:
Education Code Sections 87763 et seq. and 88190 et seq. and cites below

The President of the College shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness leaves for all classes of permanent employees;
- vacation leave for members of the classified service, administrators, supervisors and managers;
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated; Education Code Sections 87766.5 and 88210
- leave of absence to serve as an elected member of the legislature; Education Code Section 87701
- pregnancy leave; Education Code Sections 87766.5 and 88193; Government Code Section 12945
- use of illness leave for personal necessity; Education Code Sections 87784; 88207
- industrial accident leave;
- bereavement leave;
- jury service or appearance as a witness in court; Education Code Sections 87036 and 87037
- military service; Education Code Section 87700
- sabbatical leaves for permanent faculty, academic employees, administrators and managers.

Management and confidential will accrue, unless otherwise contracted, 1.75 days of vacation per month or 21 days per fiscal year (pro-rated for a portion of a year). Vacation must be used in at least 1/2-hour increments. Each employee shall be allowed to accrue no more than two years' vacation at the end of any given month. Employees who have accrued the maximum allowed at the end of any given month will cease to accrue any further vacation unless authorized in writing by the Superintendent/President.

Vacation leave for members of the classified service, educational administrators and classified supervisors and managers shall not accumulate beyond two (2) years of paid leave following the fiscal year it was earned or [---] hours of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

In addition to these policies and collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

See Administrative Procedure 7343

Approved by the Board of Trustees: November 11, 2003
AP 7343  Industrial Accidents and Illness Leave

References:
Education Code Sections 87787, 88192

Note: This procedure is legally required. Local practice may be inserted. Leave procedures are a mandatory subject of bargaining for employees that are represented by an exclusive representative. The following are minimum requirements excerpted from statute.

Academic Employees
Academic employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness in any one fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his- or- her duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him- or- her for any month in which the absence occurs as, when added to his- or- her temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his- or- her full salary. “Full salary,” shall be computed so that it shall not be less than the employee’s “average weekly earnings” as that phrase is used in Labor Code Section 4453 of the Labor Code. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Labor Code Section 4453 of the Labor Code shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him- or- her for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781 and 87786, and, for the purposes of each of these sections, his- or- her absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, he- or- she may elect to take as much of his or her accumulated sick leave which, when added to his- or- her temporary disability indemnity, will result in a payment to the employee of not more than his- or- her full salary.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his- or- her industrial accident or illness. The District shall issue the employee appropriate salary warrants for payment of the employee’s salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.
Any employee receiving benefits as a result of this section, during periods of injury or illness, shall remain within the State of California unless the Superintendent/President of the College authorizes travel outside the state.

**Classified Employees**
Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness, in any one fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

Payment for wages lost on any day shall not, when added to an award granted the employee under the workers’ compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this procedure, sick leave, vacation, compensated time off or other available leave provided by law or the action of the district, the employee shall endorse to the District wage loss benefit checks received under the workers' compensation laws of this state. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this procedure.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months. When available, during the 39-month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

The Director of Human Resources may require that an employee serve, or have served continuously, not more than three years before the benefits provided by this section are made
available to the person. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Director of Human Resources authorizes travel outside the state.

An employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

Approved by the Board of Trustees: November 11, 2003
AP 7346 Employees Called to Military Duty

References:

Military and Veteran’s Code sections 389 et seq;
   Education Code Sections 87018, 87700, 87832 and 88116;
   Military and Veteran’s Code Sections 389 et seq;
   38 U.S.C. Section Code Sections 4301 et seq.

Note: This procedure is legally advised. Some aspects of it may be subject to collective bargaining. The following illustrative example incorporates the minimum requirements of applicable law.

The following applies to any district District employee, academic or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

Leave
Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee’s appointment or a temporary employee’s appointment.

Salary
Any district employee called to active duty who has been in the service of the district District for at least one year will continue to receive his or her salary for the first thirty (30) calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first thirty–(30) calendar days of active service regardless of length of service with the district District.

In addition, the District may provide for not more than 180 calendar days as part of the employee’s compensation all of the following:

- The difference between the amount of his/her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
- All benefits that he/she would have received had he/she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.
- Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

Health Benefits
An employee on military leave for less than 31 days shall continue to receive health insurance benefits.
Employees on leave for longer than thirty-(30) days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of eighteen-(18) months.

Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

**Vacation and Sick Leave**
Employees on military leave accrue any benefits the district provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.

Any employee on temporary military leave for training who has worked for the districtDistrict for at least one year shall continue to accrue vacation, sick leave and holiday privileges up to a maximum period of 180 days.

**Reinstatement**
An employee on active duty military leave shall be entitled to return to the position held by him or her at the time of his or her entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the district for more than one year, but had not yet become a regular academic employee of the district, he or she is entitled to return to the position for the period of time his or her contract of employment had to run at the time he or she entered military service.

In the case of an academic employee, absence on military leave shall not be construed as a break in the continuity of service.

In the case of a classified employee, absence on military leave shall not be construed as a break in the continuity of service.

Approved by the Board of Trustees: November 11, 2003
BP 7365 Discipline and Dismissals - Classified Employees

References:
Education Code Section 88013;
Government Code Sections 3300 et seq.

The Superintendent/President of the College shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code.

The Board's determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arise more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

For those classified employees covered by a collective bargaining agreement, refer to the agreement.

A permanent member of the classified service shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.
- Excessive absenteeism.
- Unexcused absence without leave.
- Abuse or misuse of sick leave.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.
- Discourteous treatment of the public or other employees.
• Improper or unauthorized use of District property.
• Refusal to subscribe to any oath or affirmation, which is required by law in connection with District employment.
• Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee’s department or division.
• Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
• Mental or physical impairment, which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
• Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.
• The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
• Willful violation of policies, procedures and other rules, which may be prescribed by the District, college(s), or departments.
• Working overtime without authorization.

See Administrative Procedures 7365

Approved by the Board of Trustees: November 11, 2003
AP 7365 Discipline and Dismissal - Classified Employees

References:
Education Code Section 88013;
Government Code Sections 3300 et seq.

NOTE: This procedure is legally required. Local practice may be inserted. The following is illustrative, and complies with minimum requirements.

Grounds for Discipline

If the grounds for dismissal were included in BP 7365 titled Discipline and Dismissal – Classified Employees, it is not necessary to repeat them here.

A permanent member of the classified service shall be subject to disciplinary action, including but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee’s position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being under the influence of alcohol or illegal drugs or narcotics while on duty, being impaired by alcohol or illegal drugs in your biological system while on duty which could impact your ability to do your job.
- Excessive absenteeism.
- Inexcusable absence without leave.
- Abuse of sick leave, i.e., taking sick leave without a doctor’s certificate when one is required, or misuse of sick leave.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The Office of Human Resources may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline, or the determination if such conviction is an offense involving moral turpitude. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this section.
- Discourteous treatment of the public or other employees.
- Improper or unauthorized use of District property.
- Refusal to subscribe to any oath or affirmation that is required by law in connection with District employment.
- Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee’s department or division.
• Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
• Violation of the rules and regulations published in any department.
• Mental or physical impairment that render the employee unable to perform the essential functions of the job with or without reasonable accommodation, or without presenting a direct threat to the health and safety of self or others.
• Acceptance from any source of a reward, gift, other form of remuneration in addition to regular compensation to an employee for the performance of his/her official duties.
• The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
• Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies, which may be prescribed by the District.
• Improper political activity. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or the dissemination of political material of any kind while on duty and/or during working hours.
• Working overtime without authorization.

**NOTE:** Districts have the option to notify or not notify employees regarding background checks conducted as disciplinary or harassment investigations. The following procedure is legally advised.

**Background Checks**
Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Sections 1786, et seq. Fair Credit Reporting Act)

Advanced notice of discipline/harassment investigations shall not be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:
• the adverse action;
• the name, address, and telephone number of the third party agency that furnished the report;
• the employee’s right to obtain a free copy of the report; and
• the employee’s right to dispute the accuracy or completeness of any of the information in the report.

**Disciplinary Actions**
Disciplinary action taken by the District against a permanent member of the classified service may include, but not be limited to oral reprimand, written reprimand, and the following:
• **Reduction in pay or demotion.**— The District may reduce the pay or demote an employee whose performance of the required duties falls below standard, or for misconduct.
• **Suspension.**— An employee may be suspended for disciplinary purposes without pay.
• **Discharge.**— A permanent member of the classified service may be discharged for just cause at any time. Formal written notice of discharge may be made after considered action during a period of suspension.
Procedure for Disciplinary Action and Appeal
The District may, for disciplinary purposes, suspend, demote or terminate any employee holding a position in the classified service. Demotion shall include reduction in pay from a step within the class to one or more lower steps.

For classified employees suspended, demoted or discharged the District shall follow a pre-disciplinary procedure as follows:

Notice of Intent: Whenever the District intends to suspend an employee, demote the employee, or dismiss the employee, the employee shall be given a written notice of discipline, which sets forth the following:

- The disciplinary action intended;
- The specific charges upon which the action is based;
- A factual summary of the grounds upon which the charges are based;
- A copy of all written materials, reports, or documents upon which the discipline is based;
- Notice of the employee’s right to respond to the charges either orally or in writing to the appropriate manager;
- The date, time and person before whom the employee may respond in no less than five (5)-working days;
- Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

Response by Employee: The employee shall have the right to respond to the appropriate manager orally or in writing. The employee shall have a right to be represented at any meeting set to hear the employee’s response. In cases of suspensions, demotions, or dismissal, the employee’s response will be considered before final action is taken.

Final Notice: After the response or the expiration of the employee’s time to respond to the notice of intent, the appropriate authority shall: 1) dismiss the notice of intent and take no disciplinary action against the employee; or 2) modify the intended disciplinary action; or 3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- The disciplinary action taken;
- The effective date of the disciplinary action taken;
- Specific charges upon which the action is based;
- A factual summary of the facts upon which the charges are based;
- The written materials reports and documents upon which the disciplinary action is based;
- The employee’s right to appeal.

Appeal and Request for Hearing: If a classified employee, having been issued the final notice of disciplinary action, wants to appeal the action, he-or-she shall within ten (10)-calendar days from the date of receipt of the notice, appeal to the governing board by filing a written answer to the charges and a request for hearing with the Vice President of Administrative Services.

Time for Hearing: The governing board shall, within a reasonable time from the filing of the appeal, commence the hearing. The Board may conduct the hearing itself, or it
may secure the services of an experienced hearing officer or Administrative Law Judge, mutually selected by the District and the employee, to conduct a hearing and render a proposed decision for consideration by the Board. However, in every case, the decision of the Board itself shall be final. The Board of Trustees may affirm, modify or revoke the discipline. Any employee, having filed an appeal with the Board and having been notified of the time and place of the hearing, who fails to make an appearance before the Board may be deemed to have abandoned his or her appeal. In this event, the Board may dismiss the appeal.

Record of Proceedings and Costs: All disciplinary appeal hearings may, at the discretion of either party or the Board of Trustees, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audio tapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.

Conduct of the Hearing:

- The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.
- Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
- Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would admissible over objection in civil actions.
- The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- Irrelevant and unduly repetitious evidence may be excluded.
- The Board shall determine relevancy, weight and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.
- During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

Burden of Proof: In a disciplinary appeal the District has the burden of proof by preponderance of the evidence.

Proceed with Hearing or Request for Continuance: Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated.

Testimony under Oath: All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will request the witnesses to raise their right hand and respond to the following:

"Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth and nothing but the truth?"

Presentation of the Case: The hearing shall proceed in the following order unless the Board of Trustees, for special reason, directs otherwise:

- The party imposing discipline (District) shall be permitted to make an opening statement.
The appealing party (employee) shall be permitted to make an opening statement.
The District shall produce its evidence.
The party appealing from such disciplinary action (employee) may then offer their evidence.
The District followed by the appealing party (employee) may offer rebutting evidence.
Closing arguments shall be permitted at the discretion of the Board of Trustees. The party with the burden of proof shall have the right to go first and to close the hearing by making the last argument. The Board may place a time limit on closing arguments. The Board or the parties may request the submission of written briefs. After the request for submittal of written briefs, the Board will determine whether to allow the parties to submit written briefs and determine the number of pages of briefs.

Procedure for the Parties: The District representative and the employee representative will address their remarks, including objections, to the President of the Board. Objections may be ruled upon summarily or argument may be permitted. The Board reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the representative shall continue with the presentation of their case.

Right to Control Proceedings: While the parties are generally free to present their case in the order that they prefer, the Board reserves the right to control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by the direct questioning of witnesses.

Hearing Demeanor and Behavior: All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or members of the Board of Trustees.

Deliberation Upon the Case: The Board of Trustees should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision. The Board may deliberate at the close of the hearing or at a later fixed date and time. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the proposed decision, the record of the hearing and all documentary evidence shall be available for review by the Board when it deliberates.

Written Findings, Conclusion, and Decision: The Board shall render its findings, conclusions and decision as soon after the conclusion of the hearing as possible. A finding must be made by the Board on each material issue. The Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject or modify the disciplinary action invoked against the employee. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the Board may adopt the proposed decision, modify the proposed decision or render a new decision. If the Board recommends reinstatement of the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence.

Decision of the Board to be Final: The decision of the Board of Trustees in all cases shall be final.

Emergency Suspension: If an employee's conduct presents an immediate threat to the health and safety of the employee or others, the employee may be suspended without compliance with the provisions this procedure. However, as soon as possible after suspension, the employee shall be given notice as set forth herein.
Record Filed: When final action is taken, the documents shall be placed in the employee's personnel file.

Approved by the Board of Trustees: November 11, 2003
BP 7380  Retiree Health Benefits: Academic-Staff Employees

References:
   Education Code Sections 7000 et seq.

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former academic employee who either retired from the District or was, at the time of his or her death, employed by the District as an academic employee and a member of the State Teacher's Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse's own expense.

A retired academic employee or surviving spouse may enroll in the District's health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Superintendent/President of the College shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000, et seq.

See Administrative Procedure 7380

Approved by the Board of Trustees: November 11, 2003
AP 7380 Retiree Health Benefits: Academic Staff-Employees

References:

*Education Code Section 7000 et seq.*

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former academic employee who either retired from the District or was, at the time of his or her death, employed by the District as an academic employee and a member of the State Teacher’s Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse’s own expense.

A retired academic employee or surviving spouse may enroll in the District’s health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The *Superintendent/President of the College* shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000, *et seq.*

Approved by the Board of Trustees: November 11, 2003.
BP 7381 Retiree Health Benefits: Classified Staff Employees

The District shall permit any former classified employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current classified employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former classified employee who either retired from the District or was, at the time of his or her death, employed by the District as an classified employee and a member of the Public Employees Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse's own expense.

A retired classified employee or surviving spouse may enroll in the District's health and welfare benefit plans only once pursuant to this policy. A retired classified employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The President of the College shall establish procedures as may be deemed necessary to administer this policy.

See Administrative Procedure 7381
AP 7381  Retiree Health Benefits: Classified Staff Employees

The District shall permit any former classified employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current classified employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former classified employee who either retired from the District or was, at the time of his or her death, employed by the District as a classified employee and a member of the Public Employees Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse’s own expense.

A retired classified employee or surviving spouse may enroll in the District’s health and welfare benefit plans only once pursuant to this policy. A retired classified employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Superintendent/President of the College shall establish procedures as may be deemed necessary to administer this policy.

Approved by the Board of Trustees: November 11, 2003
BP 7510 Domestic Partners

References:
Family Code Sections 297, 298, 298.5, 297.5, 299, 299.2, and 299.3

Note: This is legally required.

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the District’s policies or procedures shall be read to include registered domestic partners as permitted by California law.

This is a new BP for Gavilan.
AP 7600 College Security

Reference:

Education Code Section 72330

Campus Security Officers

The campus security officers shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault
- Geographical boundaries of the operational responsibilities
- Mutual aid procedures

Every campus security officer employed or continuing in employment shall meet the requirements set out in Education Code Section 72330.5, including but not limited to:

- submission of submission—Submission of one copy of his or her fingerprints which shall be forwarded to the Federal Bureau of Investigation;
- a determination that the employee is not a person prohibited from employment by a California community college district, and,
- if the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Members of campus security shall be employed as members of the classified service of the District.

Salaries for campus security officers shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, the Superintendent/President of the College shall recommend salaries.

The Vice President of Administrative Services shall issue such other procedures as may be necessary for the administration of the campus security officers, which may include:

- Schedules and shifts
- Call back procedures
- Use of vehicles
- Weapons practices, especially drawing weapons
- Pursuit practices
- Discipline procedures
- Training
- Responsibilities to coordinate with local law enforcement

Approved by the Board of Trustees: November 11, 2003
BP 7700 Whistleblower Protection

References:

*Education Code Sections 81760-87164*
*California Labor Code Section 1102.5,*
*Government Code Section 53296,*
*Private Attorney General Act of 2004 (Labor Code Section 2698)*

The Superintendent/President of the College shall establish procedures regarding the reporting and investigation of suspected unlawful activities by district employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or District policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, district employees shall not: (1) retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

See Administrative Procedure 7700

*Approved* by the Board of Trustees: November 13, 2007
AP 7700 Whistleblower Protection

References:
California Labor Code section 1102.5, Sections 87160-87164,
Government Code section 53296,
Private Attorney General Act of 2004 (Labor Code section 2698)

Individuals are encouraged to report suspected incidents of unlawful activities by district employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, reported such activities and/or assist the district in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700, titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

Filing a Report of Suspected Unlawful Activities
Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a district employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another district official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. For multi-college districts: When the alleged unlawful activities involve a college president, the report should be made directly to the chancellor. When the alleged unlawful activity involves the Superintendent/President, the report should be made to the President of the Board of Trustees. When the alleged unlawful activity involves the Board of Trustees or one of its members, the report should be made to the Superintendent/President of the College who will confer with the President of the Board of Trustees and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his or her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he—or—she must immediately forward to the Superintendent/President of the college where the alleged activity has occurred [multi-college
district; or to the chancellor if the activity involves the district office or is district-wide. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The high-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District's no-retaliation policy. Each individual shall be: a) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if he or she experiences retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt and appropriate corrective action shall be taken.

Protection from Retaliation
When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation.

Any employee who believes he—or—she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise their college—Superintendent/President, [multi-college districts: the chancellor or the chancellor's designee]. If the allegations of retaliation, or the underlying allegations of unlawful conduct involve the Superintendent/President [or chancellor], the supervisor shall report to the highest level administrator and/or trustee who is not implicated in the reports of unlawful activity and retaliation.

All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

Requirement to Post Whistleblower Hotline Contact Information
The District shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower law referenced in this procedure. The list shall include the telephone number of the whistleblower hotline, (800) 952-5666, for employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees. Employees should contact the California Community Colleges Chancellor's Office or the District's Board of Trustees. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is (916) 653-1403.
Other Remedies and Appropriate Agencies
In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency.

Approved by the Board of Trustees: November 13, 2007
Gavilan Joint Community College District  
Governing Board Agenda

August 14, 2012

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

SUBJECT: 2012 Community Spirit Awards  

☐ Resolution: BE IT RESOLVED,  
☒ Information Only  
☐ Action Item

Proposal:  
That the Board of Trustees be briefed on the upcoming Community Spirit Awards for 2012.

Background:  
The Gavilan College Community Spirit Awards were created in 1999, when the Gavilan College Board of Trustees passed resolution #739. The awards recognize contributions to the communities that form the Gavilan Joint Community College District.

Each year, three sets of awards are presented, for the communities of Morgan Hill, Gilroy, and San Benito County. In each community an individual, a business, and a non-profit organization are selected. The nomination process and final selection are guided by a Gavilan College committee with representation from all constituency groups.

Budgetary Implications:  
Cost of annual breakfast sponsorships in Morgan Hill, Gilroy, and San Benito County.  
Cost of award placards for honorees.

Follow Up/Outcome:  
See timeline, attached.

Recommended By: Jan Bernstein Chargin

Prepared By: Jan Bernstein Chargin, Director of Public Information

Agenda Approval: ________________________  
Dr. Steven M. Kinsella, Superintendent/President
Gavilan College Community Spirit Awards – 2012

Call for nominations – July 20
Close of nominating period – August 31
Committee votes – Sept 4 – 6
Presentation of recommendations to Board of Trustees – September 11

Presentation of Awards:
  Morgan Hill – October 4 (Thursday breakfast)
  Gilroy – October 17 (Wednesday, breakfast)
  Hollister - TBA
Community Spirit Awards
2012 Nomination Form    Deadline: August 31, 2012

Nominee: _______________________________ Date __________

Nominee’s contact phone number/email:
_____________________________________

Nominated by: ___________________________

Nominator’s contact phone number/email/address
_____________________________________

Community:
_____ Morgan Hill/South San Jose    _____ Gilroy    _____ San Benito County

Category:
_____ Individual    _____ Business    _____ Non-profit organization

In one page or less, describe the community service or contribution for which you believe this nominee should be recognized. Include the duration of service or contribution, the value of the service or contribution, whether or not service was as a volunteer, and the nominee’s impact on the community. Please indicate whether the nominee has been recognized for these activities by another organization.

Award winners and nominees will be asked to be present at an awards ceremony in October.

Public Information Office, Gavilan College
5055 Santa Teresa Blvd.
Gilroy, CA 95020
www.gavilan.edu
fax: (408) 846-4910
phone: (408) 848-4724
jbccharpin@gavilan.edu
Subject: Financial Aid Department Update

Proposal:
That the Board of Trustees receives a briefing on the various programs administered through the Gavilan College Financial Aid Department.

Background:
The Financial Aid Office administers federal, state and local aid, grant, loan and scholarship programs. Included is the Pell Grant program, Board of Governor's Tuition Waiver program, certification of Veterans Benefits and Veterans Affairs, Direct Loans, Federal College Work Study, CalGrants, scholarship, and book loan programs among others. In addition to packaging and evaluating students for each of these programs, the department also provides sophisticated routine reporting and verification to the various funding agencies and monitors academic progress and degree planning and completion.

Over the past seven years, participation has increased dramatically in the BOG Tuition Waiver and Pell Grant programs. Participation in the BOG program is up by more than 80% over this period. The volume of participation has increased 37% over the past four academic years in the federal Pell Program. The college began to certify direct loans in 2010 which essentially created a whole new program to administer. There has been an increase of 27% in this program over the past year. The default rate of this program has increase at an alarming rate during the past year and has necessitated the college developing a Default Retention Plan recently drafted for submission for approval to the U.S. Department of Education.

Budgetary Implications:
Pell Grants awarded through Gavilan College total $6,430,745 in aid to students during the 2011-2012 academic year.
Follow Up/Outcome:
A follow-up report will be made to the Board of Trustees for the 2012-2013 academic year or as federal, state or local issues warrant.

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By: John W. Pruitt, Vice President, Student Services

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
Financial Aid Department

Processing Update

From April to July, Financial Aid is processing student aid for two different aid years: Spring and Summer (aid year: 2011/12) and Fall (aid year: 2012/13). The office loads processed FAFSAs into Banner for aid years 11/12 and 12/12. Students are informed via email of FAFSA receipt and are advised to submit appropriate documents for file review and award packaging.

Once FAFSAs are loaded, students begin submitting documents. During this same time period of April – July, students are also renewing Board of Governors (BOG) Tuition Waiver applications and Free Applications for Federal Student Aid (FAFSAs).

Student Participation in Largest Aid Programs:

<table>
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<tr>
<th></th>
<th>Headcount for BOG Tuition Waivers</th>
<th>Students who filed FAFSAS</th>
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1. Within the last 7 years, participation has increased dramatically in BOG Tuition Waiver and Pell Grant programs. Within the last seven years, participation for BOG Tuition Waivers has increased by more than 80%. Pell Grant volume for aid year 2011/12 increased more than 3.5 times than the Pell Grant volume in 2005/06.
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**2010/11 Student Count**

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**2010/11 Student Count**

Sorted by Stamping levels

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**2010/11 Student Count**

Sorted by VA Officials in F.A.

**Campuses with Similar Processing/Volume for Aid Year 2010-11**

*Gavilan College Financial Aid and Similar Colleges*

Baseline Data 10/11 and 11/12
### Pell Grants Between 2010/11 & 2011/12

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### BOG Tuition Waivers Between 2010/11 & 2011/12

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### Summary of 2YR Comparison at Galvian College

Galvian College Financial Aid and Similar Colleges
Baseline Data 10/11 and 11/12
**FWS data pulled from RIFUBDC from which data is used for Fiscal Operations Report**

Using excess CalWORKs dollars. These were used to match FWS at 25%.

FWS between 10/1/11 & 11/12 vary due to overawarding in aid year 2010/11. Overage was reported.

### FWS 2010/11

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<th>Percentage Increase</th>
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<td>12/31/12</td>
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</table>

### FWS 2011/12

<table>
<thead>
<tr>
<th>Aid Year</th>
<th>Percentage Decrease</th>
<th>Percentage Increase</th>
<th>VA in F.A.</th>
<th>FWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/31/12</td>
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</table>

**Scholarships**

Scholarship data not reported to Chancellor's Office.

### Scholarships 2010/11 & 2011/12

<table>
<thead>
<tr>
<th>Aid Year</th>
<th>Percentage Decrease</th>
<th>Percentage Increase</th>
<th>VA in F.A.</th>
<th>SCHOLARSHIP</th>
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<tr>
<td>12/31/12</td>
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</tbody>
</table>

**Use Disbursement Report (RPRADSB) for data**

For unduplicated student count for sub & unsub loans. Waiting on data from MIS.

### Loans

<table>
<thead>
<tr>
<th>Aid Year</th>
<th>Percentage Decrease</th>
<th>Percentage Increase</th>
<th>VA in F.A.</th>
<th>LOANS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/31/12</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Direct Loans**

Overawarding reported at 2011/11 aid year & 11/12.

Data pulled from RIFUBDC from which data is used for Fiscal Operations Report.

Using excess CalWORKS dollars. These were used to match FWS at 25%.

FWS between 10/1/11 & 11/12 vary due to overawarding in aid year 2010/11. Overage was reported.

### FWS 2010/11

<table>
<thead>
<tr>
<th>Aid Year</th>
<th>Percentage Decrease</th>
<th>Percentage Increase</th>
<th>VA in F.A.</th>
<th>FWS</th>
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<tbody>
<tr>
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**Scholarships**

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### Loans

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<tr>
<td>12/31/11</td>
<td></td>
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</tbody>
</table>

**Direct Loans**

Overawarding reported at 2011/11 aid year & 11/12.
Veteran calculations used by Running APRT or for aid year 05=3, 07=3, 09=1 (Official)

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage Increase</th>
<th>Difference</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/11</td>
<td>2.44</td>
<td>1</td>
<td>117</td>
</tr>
<tr>
<td>2011/12</td>
<td>2.46</td>
<td>3</td>
<td>124</td>
</tr>
<tr>
<td>2012/13</td>
<td>2.5%</td>
<td>17</td>
<td>130</td>
</tr>
</tbody>
</table>

Note: All data is preliminary and subject to change.

Veteran 2010/11 & 2011/12

Veterans 2010/11 & 2011/12

To identify discrepancies:


Cal Grant data from "PPRADEP - Applicant Debitumen Report." Cal Grant awards are made to students who meet enrollment requirements.

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage Increase</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/11</td>
<td>5.5%</td>
<td>18</td>
</tr>
<tr>
<td>2011/12</td>
<td>6%</td>
<td>22</td>
</tr>
<tr>
<td>2012/13</td>
<td>6.5%</td>
<td>26</td>
</tr>
</tbody>
</table>

Gaviens College Financial Aid and Similar Colleges
Baseline data 10/11 and 11/12
Changes and Impacts

Financial Aid Department
3. Impact on CRA
   2. Increased liability for District
   1. Participation in Title IV programs

Impacts on Financial Aid

Potential Threats

Housing Verification Forms per week:
1. On average, Rejection processes to

Impacts on Financial Aid

Student Trends

Areas of Focus within Last 2 Years

Application Format
3. Will allow FA to move to an online BOC

Implementation of CAF Apply

Effective 7/2214

2. Graduation rates to NSC

Implementation of National

Technology Enhancements

Changes and Impacts

Financial Aid Department:
Gavilan College
Federal Student Loan Program
Cohort Default Rates (CDR)

CDRs Formula:

➢ Cohort default rates are calculated to determine the rate of default on federal student loans for each institution which participates in federal student loan programs.
➢ CDR’s are calculated using the following formula:
   Students in default / Students in repayment

Background:

➢ Gavilan College participates in federal student loan program.
➢ 2 Year rates will be replaced with 3 Yr rates by 2014.
➢ By 2014, 3 yr rates will have been published for FY 2009, 2010, 2011
➢ Federal fiscal year runs October 1 to September 30

Why it matters:

➢ Gavilan’s 3 year CDR will be 37.2% (official release Sept. 2012).
➢ Institutions with 3 year CDRs equal to or greater than 30% will be required to establish Default Prevention task Force and develop default prevention plan which requires the College to:
   a. Identify factors causing default rate to exceed threshold
   b. Establish measurable objectives and steps the College will take to improve its cohort default rate.
   c. Specify the actions the school will take to improve student loan repayment, including counseling students on repayment options.
➢ Beginning in 2014, institutions which participate in loan programs are subject to penalties if default rates exceed 30%.

Federal Fiscal Year 2009

<table>
<thead>
<tr>
<th>Official Rate Published</th>
<th>2 Year OFFICIAL CDR</th>
<th>Process Date</th>
<th>Students In default (Numerator)</th>
<th>Students In repayment (Denominator)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-30-2011</td>
<td>24.4%</td>
<td>7-30-2011</td>
<td>21</td>
<td>86</td>
<td>Draft rate released 1-16-2011</td>
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</table>

Official Rate Published

<table>
<thead>
<tr>
<th>3 Year Draft CDR</th>
<th>Process Date</th>
<th>Students In default (Numerator)</th>
<th>Students In repayment (Denominator)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 2012</td>
<td>37.2%</td>
<td>2-12-2012</td>
<td>32</td>
<td>86</td>
</tr>
</tbody>
</table>

1st of 3 Official 3-Yr CDR.
### Federal Fiscal Year 2010

<table>
<thead>
<tr>
<th>Official Rate Published</th>
<th>2 Year OFFICIAL CDR</th>
<th>Process Date of draft rate</th>
<th>Students in default (Numerator)</th>
<th>Students in repayment (Denominator)</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>7-30-2012</td>
<td>20.8</td>
<td>2-11-12</td>
<td>26</td>
<td>125</td>
<td>Draft rate released 2-11-2012</td>
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</table>

<table>
<thead>
<tr>
<th>Official Rate Published</th>
<th>3 Year Draft CDR</th>
<th>Process Date</th>
<th>Students in default (Numerator)</th>
<th>Students in repayment (Denominator)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 2013</td>
<td>?</td>
<td>2-12-2013</td>
<td>?</td>
<td>?</td>
<td>2\textsuperscript{nd} of 3 Official 3-Yr CDR.</td>
</tr>
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</table>

### Federal Fiscal Year 2011

<table>
<thead>
<tr>
<th>Official Rate Published</th>
<th>2 Year OFFICIAL CDR</th>
<th>Process Date of draft rate</th>
<th>Students in default (Numerator)</th>
<th>Students in repayment (Denominator)</th>
<th>Notes</th>
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<tbody>
<tr>
<td>7-30-2013</td>
<td>?</td>
<td>2-11-13</td>
<td>?</td>
<td>?</td>
<td>Last CDR for 2 yr</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Official Rate Published</th>
<th>3 Year Draft CDR</th>
<th>Process Date</th>
<th>Students in default (Numerator)</th>
<th>Students in repayment (Denominator)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 2014</td>
<td>?</td>
<td>2-12-2013</td>
<td>?</td>
<td>?</td>
<td>3\textsuperscript{rd} of 3 Official 3-Yr CDR.</td>
</tr>
</tbody>
</table>
CALIFORNIA COMMUNITY COLLEGE
CEASING FEDERAL LOAN PROGRAMS

Bakersfield College*
Barstow College
Cerro Coso Community College
Chaffee College
College of Alameda
Columbia College
Copper Mountain
Crafton Community College
Hartnell College
Imperial Valley College
Lake Tahoe Community College
Los Medanos College
Merced College
Modesto Junior College
Mt. San Jacinto College
Oxnard College
Palo Verde College
Porterville College
Santiago Canyon College
Taft College
Woodland Community College
Laney College

*2012-13 in process, ending in 2013-14
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

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

SUBJECT: Accreditation Update and SLO report

☐ Resolution: BE IT RESOLVED,

☒ Information Only

☐ Action Item

Proposal: That the Board receive an update on the progress of the accreditation self study and preparation for the March 2013 comprehensive visit. Also that the Board receive a copy of the Gavilan College Status Report on SLO Implementation.

Background: Steady work continues on the comprehensive Self Study document. Currently the draft document is under review by the editing team. The draft document will be available to the campus community in September, and will be forwarded as a first reading to the Board in November, 2012. Two town hall forums will be scheduled for discussion of the document and the accreditation process during the fall semester.

The Gavilan College Status Report on SLO Implementation was completed as a “pilot” for ACCJC and was presented during the June Commission meeting for discussion with the ACCJC staff. Gavilan was the first college in the state to complete the report, and ACCJC acted to accept the report as meeting the reporting guidelines.

Budgetary Implications: None.

Follow Up/Outcome: The final Self Study document will be on the December Board agenda, and will be sent to ACCJC after the Board has approved it. The visit has been scheduled for March 4 – 7, 2013.

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By: Dr. Kathleen Rose, Executive Vice President and Chief Instruction Officer

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
INSTRUCTIONS
Colleges are asked to use this report form in completing their College Status Report on Student Learning Outcomes Implementation. Colleges should submit a brief narrative analysis and quantitative and qualitative evidence demonstrating status of Student Learning Outcome (SLO) implementation. The report is divided into sections representing the bulleted characteristics of the Proficiency implementation level on the Rubric for Evaluating Institutional Effectiveness, Part III (Rubric). Colleges are asked to interpret their implementation level through the lens of the Accreditation Standards cited for each characteristic. The final report section before the evidence list requests a brief narrative self-assessment of overall status in relationship to the proficiency level, indicating what plans are in place to mitigate any noted deficiencies or areas for improvement. **Narrative responses for each section of the template should not exceed 250 words.**

This report form offers examples of quantitative and qualitative evidence which might be included for each of the characteristics. The examples are illustrative in nature and are not intended to provide a complete listing of the kinds of evidence colleges may use to document SLO status. College evidence used for one Proficiency level characteristic may also serve as evidence for another characteristic.

This report is provided to colleges in hard copy and also electronically, by e-mail, as a fill-in Word document. The reports must be submitted to the Commission by either the October 15, 2012 date or the March 15, 2013 date, as defined on the enclosed list of colleges by assigned reporting date. When the report is completed, colleges should:

- a. Submit the report form by email to the ACCJC (accjc@accjc.org); and
- b. Submit the full report with attached evidence on CD/DVD to the ACCJC (ACCJC, 10 Commercial Blvd., Suite 204, Novato, CA 94949).

Although evidence cited in the text of the report may include links to college web resources, the Commission requires actual copies (electronic files) of the evidence for its records.

Date of Report: May 25, 2012

Institution’s Name: Gavilan Community College District

Name and Title of Individual Completing Report: Kathleen Rose, Executive Vice President and Chief Instruction Officer; Randy Brown, Director, Institutional Research.

Telephone Number and E-mail Address: (408) 848-4760 krose@gavilan.edu

Certification by Chief Executive Officer: The information included in this report is certified as a complete and accurate representation of the reporting institution.

Name of CEO: Kathleen Rose
(e-signature permitted)
Eligibility Requirement 10: Student Learning and Achievement
Standards: I.A.1; II.A.1.a; II.A.1.c; II.A.2.a,b,e,f,g,h,i; II.A.3[See II.A.3.a,b,c.]; II.A.6; II.B.4; II.C.2.

**EXAMPLES OF EVIDENCE:** Evidence demonstrating numbers/percentages of course, program (academic and student services), and institutional level outcomes are in place and assessed. Documentation on institutional planning processes demonstrating integrated planning and the way SLO assessment results impact program review. Descriptions could include discussions of high-impact courses, gateway courses, college frameworks, and so forth.

**PROFICIENCY RUBRIC STATEMENT 1: NUMERICAL RESPONSE**
**QUANTITATIVE EVIDENCE/DATA ON THE RATE/PERCENTAGE OF SLOs DEFINED AND ASSESSED**

1. **Courses**
   a. Total number of college courses (active courses in the college catalog, offered on the schedule in some rotation): 887
   b. Number of college courses with defined Student Learning Outcomes: 887
      Percentage of total: 100%
   c. Number of college courses with ongoing assessment of learning outcomes: 612
      Percentage of total: 69%

2. **Programs**
   a. Total number of college programs (all certificates and degrees, and other programs defined by college): 93
   b. Number of college programs with defined Student Learning Outcomes: 93;
      Percentage of total: 100%
   c. Number of college programs with ongoing assessment of learning outcomes: 32;
      Percentage of total: 42%

3. **Student Learning and Support Activities**
   a. Total number of student learning and support activities (as college has identified or grouped them for SLO implementation): 35
   b. Number of student learning and support activities with defined Student Learning Outcomes: 33;
      Percentage of total: 94%
   c. Number of student learning and support activities with ongoing assessment of learning outcomes: 33; Percentage of total: 94%

4. **Institutional Learning Outcomes**
   a. Total number of institutional Student Learning Outcomes defined: 22
   b. Number of institutional learning outcomes with ongoing assessment: 11

April 2012
PROFICIENCY RUBRIC STATEMENT 1: NARRATIVE RESPONSE

Individual courses and programs have developed Student Learning Outcomes (SLOs) and are reviewed on a regular cycle by the college’s curriculum committee. The assessment of these SLOs is well under way at the course level, with nearly 70% of all courses having been assessed at least once (e.g. 1.1 & 1.2). This work has been used to inform modifications in curriculum, assessment, and pedagogy (see above examples). The course, program, and institutional-level assessments are reported through an online interface, which details the assessment instrument, the results and how the results were used (1.3). A reporting function on the site summarizes the proportion of courses assessed, when they were last assessed, and who reported the data.

In addition to course level assessment, 94% of non-instructional programs, e.g., Human Resources, Tutoring Center, are regularly assessing and reporting upon their outcomes (1.4). For instructional programs, 42% have assessed and reported upon this work (1.5), while 50% of the institutional SLOs have been assessed. SLO data has been used to modify services, curriculum, and inform budget requests (1.6).

Both instructional and non-instructional program-level SLO data is used in the annual program review process and is used to inform annual program plans. These plans are the basis for the college’s annual allocation process (1.7).

PROFICIENCY RUBRIC STATEMENT 2: THERE IS A WIDESPREAD INSTITUTIONAL DIALOGUE ABOUT ASSESSMENT RESULTS AND IDENTIFICATION OF GAPS.

Standards: I.B.1; I.B.2; I.B.3; I.B.5.

EXAMPLES OF EVIDENCE: Documentation on processes and outcomes of SLO assessment. Specific examples with the outcome data analysis and description of how the results were used. Descriptions could include examples of institutional changes made to respond to outcomes assessment results.

PROFICIENCY RUBRIC STATEMENT 2: NARRATIVE RESPONSE

Outcome data is periodically shared in campus governance committees, specifically the Curriculum Committee, the Learning Council, the President’s Council, the Academic Senate and the Department Chairs. Data is regularly presented from the Office of Institutional Research and time is provided for discussion regarding the impact of assessments on teaching and learning (2.1 & 2.2).

In an effort to track the effect of the curriculum modifications, Gavilan College developed the Gavilan Integrated Data System (GIDS) which provides a desktop aid for all faculty and staff to track persistence and retention changes among other data. This data tool has been utilized in discussions at the departmental level and used in annual program plan preparation. The most current enhancement of the system includes a cohort tracking functionality that has begun to be utilized (2.3 & 2.4).

As the results of college wide gap analysis, a cross-disciplinary group was established to conduct dialogue and planning around student learning. The Learning Council has repeatedly used data and
information to discuss and develop interventions (2.5). As a result of the Learning Council, the shift over the past two years has been evident: from a community of teaching to a community of learning. The Teaching and Learning Center, as well as the Student Success Center have been established on campus as a result of this shift. These developments have been influenced by the ubiquity of SLO and other data (2.6).

Individual departments and instructors have also used SLO and course success data to advance campus-wide developments. For example, as a result of the gaps identified by SLOs (2.7), the ESL, English and Math departments have completed the screening and placement preparation to implement Accuplacer in fall 2012.

Through the college’s program planning and allocation process, individual programs are encouraged to use data to inform their objectives and corresponding budget requests. These objectives and requests are assigned a ranked score, which includes data support as one of the ranking criteria (2.8).

**Proiciency Rubric Statement 3: Decision Making Includes Dialogue on the Results of Assessment and is Purposefully Directed Toward Aligning Institution-Wide Practices to Support and Improve Student Learning.**

Standards: I.B; I.B.3; II.A.1.c; II.A.2.f; III.A.1.c; IV.A.2.b.

**Examples of Evidence:** Documentation of institutional planning processes and the integration of SLO assessment results with program review, college-wide planning and resource allocation, including evidence of college-wide dialogue.

**Proiciency Rubric Statement 3: Narrative Response**

SLO assessment and results are included in the program review which occurs every five years for all campus instructional and non-instructional programs. These results are used by programs to reflect on past and current progress, and to plan for the future (3.1). These five-year reviews are also the basis for the annual program plans, which map out specific activities to accomplish program objectives. These annual program plans are scored and ranked based on criteria (including SLOs, PLOs, and ILOs) that emphasize the use of planning data.

SLO and other data have been a part of the development of the strategic plan, educational master plan, and annual program plans. For example, the Student Services Council annually reflects on its data and uses it to propose additional staffing in multiple areas (3.2). The college has also developed a model for innovation and college dialogue, the Learning Council. This group takes information and input from all sectors of the campus, including students, to formulate and implement strategies to improve student learning and success. The group has successfully implemented an early alert system and several new services to support Veteran students. A board policy was developed through the work of the Learning Council to formalize the college’s commitment to ongoing student success efforts (3.3). This group uses dialogue and assessment data to understand and address issues of student learning (See 2.2).
**Proficiency Rubric Statement 4: Appropriate Resources Continue to Be Allocated and Fine-Tuned**

Standards: I.B; I.B.4; I.B.6; III.C.2; III.D.2.a; III.D.3.

**Examples of Evidence:** Documentation on the integration of SLO assessment results with institutional planning and resource allocation.

**Proficiency Rubric Statement 4: Narrative Response**

Since Fall 2006, a series of formal trainings have been conducted to increase faculty, staff, and administration understanding of SLOs and how to assess and report upon results (4.1 & 4.2). More importantly, the current SLO coordinator has provided individual support sessions. These sessions include providing information and directly answering individual questions. In 10/11 the coordinator provided 4 formal trainings, and 41 support sessions.

The college has also developed an easy-to-use online reporting system that has been used to report and summarize college SLO work. The Management Information System department also supports and updates the site to keep it current with changes in curriculum and college organizational structure.

In addition to the support provided by the SLO coordinator, the college has been providing financial compensation for part-time instructors who are the only non-full-time instructor for a particular course. Part-time instructors are compensated for assessing and reflecting upon and reporting SLO work.

Looking forward, the college has approved the use of three 20% reassignments for full-time or part-time faculty members to become Instructional Liaisons to carry forward the work of the SLO coordinator (who is also the institutional researcher). The work will include: training on current practices and requirements for SLOs and PLOs; educating other faculty about how to develop, evaluate, assess, and document SLOs and PLOs; and directly assisting faculty with the assessment and reporting processes.

**Proficiency Rubric Statement 5: Comprehensive Assessment Reports Exist and Are Completed and Updated on a Regular Basis**

Standards: I.A.1; I.B; I.B.3; I.B.5; I.B.6; II.A.2.a; II.B.

**Examples of Evidence:** Documentation on the process and cycle of SLO assessment, including results of cycles of assessment. Copies of summative assessment reports, with actual learning outcomes.

**Proficiency Rubric Statement 5: Narrative Response**

Each course and program is required to report their assessment work using an online reporting system. The reporting system allows a user to select a course or program and the year that the assessment data was collected (5.1). The user reports the outcome, the assessment tool used to collect the data, the assessment results, and how the assessment results were used. At the course level, the SLO is also aligned with the appropriate program-level outcome(s). A similar form is also used for non-instructional programs (1.1 & 1.4). A reporting function on this same site allows the user to view when
and by whom the last assessment was reported for all of the courses and programs on record. As a part of the curriculum update process, each course and program is required to regularly assess course and program-level SLOs (5.2).

In some cases, the results from the assessment reporting site are supplemented by additional reports that provide greater detail. For example, the tutoring center survey or the English portfolio report is available online through the institutional research site and provides greater detail regarding the assessment and results (5.3 & 5.4).

**Proficiency Rubric Statement 6: Course Student Learning Outcomes are Aligned with Degree Student Learning Outcomes**

Standards: II.A.2.e; II.A.2.f; II.A.2.i.

**Examples of Evidence:** Documentation on the alignment/integration of course level outcomes with program outcomes. Description could include curriculum mapping or other alignment activities. Samples across the curriculum of institutional outcomes mapped to program outcomes.

**Proficiency Rubric Statement 6: Narrative Response**

Currently, each course-level SLO is mapped to an institutional outcome through the curriculum review process. This process requires that each course regularly updates its SLOs and their respective alignment. Each outcome is mapped to both the institutional outcomes and appropriate program-level outcomes. This mapping information is provided for all to view on the course outline of record (6.1).

Course level outcomes are also aligned to program-level outcomes through the SLO assessment reporting website. The site allows a user to select which program-level outcomes align with each course-level outcome (6.2). This process insures that course-level outcomes map to program-level outcomes.

**Proficiency Rubric Statement 7: Students Demonstrate Awareness of Goals and Purposes of Courses and Programs in Which They Are Enrolled**

Standards: I.B.5; II.A.6; II.A.6.a; II.B.

**Examples of Evidence:** Documentation on means the college uses to inform students of course and program purposes and outcomes. Samples across the curriculum of: course outlines of record and syllabi with course SLOs; program and institutional SLOs in catalog.

**Proficiency Rubric Statement 7: Narrative Response**

Each course, along with other information, is required to have the outcomes for the course on the course syllabus (7.1 & 7.2). Copies are reviewed by the area Deans at the beginning of the semester to insure compliance with formal and information. Curriculum committee course update and modification forms require the faculty to describe all of the SLOs for the specific course, along with mapping to the program and institutional-level outcomes. The assessment information on the course outlines also must match the stated SLOs.
PLOs for each instructional program are also highlighted in the college catalogue (7.3 & 7.4). These materials are available in printed and electronic format and are reviewed with each catalog update cycle. The institutional outcomes are posted on the SLO reporting site.

**SELF-ASSESSMENT ON LEVEL OF IMPLEMENTATION:**

**YOU PLANNED TO ADDRESS NEEDED IMPROVEMENTS? WHAT LEVEL OF SLO IMPLEMENTATION WOULD YOU ASSIGN YOUR COLLEGE? WHY? WHAT EFFORTS HAVE YOU PLANNED TO ADDRESS NEEDED IMPROVEMENTS?**

### SELF-ASSESSMENT ON LEVEL OF IMPLEMENTATION: NARRATIVE RESPONSE

The college continues to strive toward systematic integration of SLO throughout its entire planning and implementation efforts. The college has made tremendous strides since the last WASC visit. The college has developed and aligned appropriate outcomes for all of its courses and programs and is regularly assessing close to 70% of its courses and 100% of non-instructional programs. Current efforts are in place to continue to broaden the assessment of instructional program-level outcomes. The assessment work has been institutionalized and is widely documented and included into planning and allocation dialogue. As a result, the college meets the proficient level in accordance with the Characteristics of Institutional Effectiveness in Student Learning Outcomes rubric.

Work remains to strengthen the links between SLO assessment and planning. The program plan process at the college is the annual formal mechanism for planning and providing support for new initiatives. This process needs to be further strengthened to include cross-program plans and to integrate non-general fund sources of funds. Further, these plans will need to utilize SLO assessment results. Lastly, the evaluative data used to understand the effectiveness of these plans needs to be more frequent and rigorous. With the help of the college’s integrated planning committee, these changes will be made in collaboration with the college community.
### TABLE OF EVIDENCE: List the evidence used to support your narrative report, section by section.

#### TABLE OF EVIDENCE (NO WORD COUNT LIMIT)

1.1 Course-level SLO example - Anthropology  
1.2 Course level SLO example - Health Education  
1.3 SLO reporting site screen shot  
1.4 Non-instructional SLO reporting example update  
1.5 Instruction program results  
1.6 Program plan sample  
1.7 Integrated planning model  
2.1 SLO roundtable  
2.2 Data dialogue samples - Learning Council  
2.3 Data dialogue samples - Cohort Tracking  
2.4 Cohort tracking interface  
2.5 Learning Council Meeting minutes  
2.6 Student Success report  
2.7 Math Progression study report  
2.8 Budget ranking rubric  
3.1 Program review sample  
3.2 SLO dialogue  
3.3 Board Student Success Policy  
4.1 Training outline sample  
4.2 SLO update sample  
5.1 SLO reporting site (course selector screen shot)  
5.2 English Assessment Schedule  
5.3 Report sample (English portfolio)  
5.4 Report sample (Tutoring Center)  
6.1 Course outline example  
6.2 Program-level SLO alignment  
7.1 CTE Course Syllabi  
7.2 LAS Course Syllabi  
7.3 CTE Catalogue sample  
7.4 LAS Catalogue sample
GAVILAN COLLEGE
Accreditation Self-Study Timeline
(September 2011)

FALL 2011

September
• ALO, AC, Self-study chairs and co-chairs meet to establish framework for self-study process.
• AC establishes reference file that contains evidence and supporting materials for the Self-Study.
• Web site is finalized as a place where Self-Study information and progress is posted.
• Moodle site is established and opened to all committee members http://ilearn.gavilan.edu

September-October
• Teams establish meeting schedule. AC attends each Standard’s team meetings as a resource for questions about research, progress and expectations.
• Develop student, faculty and staff survey instruments.

October-November
• Student, faculty and staff surveys are conducted.

November
• Survey results are posted to web site.
• Teams write first draft of each Standard’s Descriptions.

November
• Teams write first draft of each Standard’s Evaluations and Planning Agendas.
• Teams meet to review and comment on draft sections of assigned Standard.

December-January
• Teams submit drafts to the Steering Committee.

SPRING 2012

February
• The Steering Committee begins to meet weekly to discuss first draft of Standards; all team members are invited.
• Teams continue to edit and refine rough drafts and make suggestions. Progress is posted to web site.

March-April
• Second drafts come to the Steering Committee for review.

May
• Second draft is completed and posted to web page for college-
wide input.

- An all Gavilan email is sent out announcing the posting.

**SUMMER 2012**
June-August

- Editing team edits second draft.

**FALL 2012**
September

- Webmaster posts *Self-Study* final draft to web site for student, faculty, staff and the public on the college web site.
- ALO provides an update on the *Self-Study*, during Faculty Staff Development Day. Directs all college constituencies to posting on web site and invites further input.

End of September

- Steering Committee meets to review final draft.

October

- Two college-wide forums are held to summarize final draft and to gather any further input.
- *Self-Study* is updated to reflect input from campus community.

November

- Final draft is forwarded to Board of Trustees as an information item.
- *Self-Study* is updated based on Board of Trustees feedback.
- *Self-Study* format is finalized and prepared for print by the Public Information Officer (PIO).
- All web links are checked to make sure they are working.

December

- *Self-Study* submitted for Board of Trustees approval.
- PIO makes 2 CD’s of final draft and sends *Self-Study* to the printer.

**SPRING 2013**
January

- The *Self-Study* is mailed to the ACCJC and site visiting team members.

January–March

- Finalize web page site.
- Prepare the college for site visit: schedule team room, organize evidence, recheck all links, etc.
- Team visit: March (date) 2013.

September 2011
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

Consent Agenda Item No. 11. (f)
Information/Staff Reports No.  Administrative Services
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT: Report on Underground Storage Tank Clean-up Project

Resolution: BE IT RESOLVED,

Information Only

Proposal:
That the Board of Trustee’s review information on the Underground Storage Tank Clean-Up Project.

Background:
Attached is a summary of the twenty-two year history of the underground gasoline storage tank remediation project on the Gavilan College campus. The project has been completed and certified as such by the County of Santa Clara Department of Environmental Health.

Budgetary Implications:
Paid for with state grant funds.

Follow Up/Outcome:
Project closed.

Recommended By: Joseph D. Keeler, Vice President of Administrative Services

Prepared By: Jeffrey A. Goo, Director of Facilities Services

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
July 23, 2012

TO:          Board of Directors
FROM:        Jeffrey A. Gopp, Director of Facilities Services
RE:          Underground Storage Tank Clean-up

The following narrative is a summary of the twenty-two year history of the underground gasoline storage tanks used by the Maintenance Department at Gavilan College. The massive and costly clean-up effort that ensued was common for most Underground Storage Tanks (UST) located throughout the State. Many may remember the fences constructed around gas stations everywhere during the 1990s.

Two Underground Storage Tanks, Tank #1 = 1000 gallons and Tank #2 = 2000 gallons were located next to the Maintenance building and were removed in 1990. Also removed in 1990 were three 550 gallon diesel tanks; Tank #3 was located next to the Business building, Tank #4 was located next to the Math building, and Tank #5 was located next to the shallow swimming pool. These three tanks were installed in the 1930s as part of a Civil Defense program to provide emergency fuel.

In 1991 the impacted soil around tanks #1, #2, and #3 was excavated and stockpiled: exploration drill holes were bored and sampled. Terratech Inc. provided the “Preliminary Site Assessment Report”, dated August 6, 1991. The surrounding soil for the two gasoline tanks and diesel tank #3 was analyzed and found to contain noticeable levels of Benzene, Toluene, Ethylbenzene, and Xylene (BTEX). Tanks #4 and #5 did not leak therefore, required no remediation.

A State certified engineering geologist made the following recommendations:

1) Obtain well permits from the Santa Clara Valley Water District
2) Install three monitoring wells 25' in depth
3) Obtain samples using a bailer
4) Submit the samples to a State-certified analytical laboratory
5) Contract a Civil Engineer to survey the well locations
6) Provide professional guidance to the excavation contractor during the excavation of the gasoline impacted soil
7) Obtain soil samples from the excavation sidewalls for laboratory analysis at the State-certified analytical laboratory for testing
8) Provide professional guidance/ field and laboratory services to test compaction during excavation backfilling
In July 1992, a second excavation was performed and the impacted soil was once again excavated and stockpiled. Gasoline had impacted the ground water close to Tanks #1 and #2 which were perched along weathered, fractured bedrock. The gasoline impact was more extensive than was defined using the original three monitoring wells recommended by the Geologist MW1, MW2, MW3 (see Attachment 1) when sampled for BTEX.

In 1993, three additional Monitoring wells, MW4, MW5, and MW6 (see Attachment 1) were bored to further assess the extent of contaminants in ground water under the Maintenance yard and Police Academy areas. Gasoline, Benzene, and Methyl Tertiary Butyl Ether (MTBE) were present in the wells.

In 1994, a groundwater treatment system including pumps was constructed and installed in the two most contaminated ground water wells. Extracted ground water was treated by activated charcoal filters. Hydrogen peroxide was added to the treated water, which was then pumped back into the ground through a well located within the former tank excavation.

In November 1998 and March 1999, a series of test borings were drilled in the grassy area east of the Police Academy buildings to define the MTBE plume. Thirteen test borings were completed during this phase of the investigation.

In 2000, a seventh well, MW7 (see Attachment 1) was bored in the grassy slope east of the Police Academy buildings. The wells were sampled on a semi-annual basis.

ECM Group was contracted in late 1999 to evaluate the progress of the clean-up system, identify possible options to conclude the process, and to determine whether Gavilan could recover expenses related to the project from the State Cleanup Fund.

ECM Group submitted a claim in October 2001 on behalf of Gavilan College for monies expended on the project since 1997. The claim has a one-time deductible of $10,000.00. Future claims were reimbursed at approximately 90% to 100%.

ECM Group and Santa Clara Valley Water District staff determined through evaluation of the data history that the existing treatment system had reached the limit of its ability. However, the contamination plume had continued to migrate and expand in the down-gradient direction.

The action plan for the project recommended the installation of a new, more aggressive remediation system to control further plume migration and to reduce contaminant levels to the State standards. In 2005 ECM Group and the Santa Clara Valley Water District agreed on the plan as follows:

More pumping wells were incorporated into the system with greater pumping capacity. Along with the seven existing monitoring wells, seven extraction wells were also bored. A carbon filtering system consisting of three carbon filtration units, one holding tank, a Catalytic Oxidizer (Cat-Ox) Unit, and various pumps was initiated (see Attachment 2). Treated and filtered water was discharged into the sanitary sewer rather than returned to the ground. To reach full time system operation the following schedule was initiated and agreed upon by ECM Group and the Santa Clara Valley Water District:
- Initiate building permits, City of Gilroy
- Submit extraction well permits, Santa Clara County
- Install extraction wells SVE (Soil Vapor Extraction) and ground water
- Layout conduit runs for trenching
- Install conduits and trenching, backfill
- File Notice of Intent for NPDES (National Pollutant Discharge Elimination System)
- Build equipment pad and enclosure
- Complete electrical connections and subpanels
- Pull discharge conduits and pump lines
- Install pumps, carbons, and blower
- System shakedown, initial testing
- System sampling for NPDES permit
- NDPES processing
- System operation, full time

July 18, 2005
August 5, 2005
September 6-16, 2005
September 6-16, 2005
October 3-21, 2005
October 15, 2005
November 2-18, 2005
November 10-30, 2005
November 15-30, 2005
December 5-23, 2005
January 9-20, 2006
January 30 to February 3, 2006
February-March, 2006
April 3, 2006

The system startup and full operation occurred on October 9, 2007, eighteen months after the proposed April 3, 2006 start date. Sampling occurred every six months at the monitoring wells. Monitoring wells were drilled at the site to collect groundwater samples for the purpose of physical, chemical, or biological analysis to determine the amounts, types, and distribution of contaminants in the groundwater beneath the site. The extraction wells are discharge wells used to remove groundwater and air of the BTEX and MTBE. Sampling protocol for ECM Group was in compliance with the NDPES standards.

Routine Reimbursement Request (RR) forms were submitted to the State of California. Reimbursement Requests Range from RR #1 to RR #18. (see Attachment 3). These requests began in December 2001 up to the final request submitted in July 2012, total requested amount for the project total $852,173.40. Total monies received from the State currently total $685,533.94.

In January 2011, all influent water results rendered Non-detect (ND) concentrations for MTBE and BTEX (i.e. concentrations were lower than those regulated by the State). A letter was submitted to the County of Santa Clara Department of Environmental Health to suspend remediation activities at the site. It was proposed to continue monitoring site wells for one calendar year following the discontinuation of remediation system operation (i.e. through the Third Quarter of 2011). If data from site wells show a stable or declining trend, and if no receptors are shown threatened by the release, case closure will be proposed.

The county letter (see Attachments 4 & 5) points out that impacted soil and groundwater remain onsite.

The county and the Central Coast Regional Water Quality Control Board have concurred that case closure is appropriate at this site because the remaining contamination poses no risk to human health and safety, to the environment, or to groundwater quality. The County and Board further recognize that remaining contaminant concentrations in soil and groundwater will degrade with time.
A memo sent from an official at the Central Coast Region Water Board to Robert Trommer (Attachment 6) to the California Regional Water Quality Control Board, outlining the Central Coast's approach to case closure at sites such as this. The Gavilan fuel leak site satisfies the Central Coast's requirement for case closure, even though some contamination remains onsite.

The July 5, 2012 county letter (Attachment 4) points out that future grading or excavation activities in the area of contamination, or installation of water wells, could bring workers into contact with impacted soil or groundwater. In practice, this issue is confined to the area of the maintenance yard near the location of the former underground storage tanks. Grading or excavation in this area could expose impacted soil, which would require appropriate handling and disposal.

ECM recommends that the county's recommendations (i.e. notification of building and planning department, and appropriate mitigation) be followed if grading or excavation is planned in this area. Appropriate mitigation would include profiling, segregation, and appropriate disposal of impacted soil. Installation of water wells in the small impacted area is extremely unlikely to occur and is not recommended, but if installation of water wells is ever planned for this area, then similar mitigation measures should be followed.

The monitoring results continued to bear no volatile hydrocarbons from the subsurface soil. Therefore, on May 24, 2012 a Gregg Drilling and Testing Company of Martinez, CA destroyed the fourteen wells by pressure grouting under appropriate permit from the Santa Clara Valley Water District. A representative from SCVWD was on site observing each well being grouted throughout the entire process. Case closure was approved for this site and no further actions were required.

After twenty-two years of effort the Gavilan College Fuel Leak Site Case; Case No. 14-352, SCVWDID No. 11S3B18R01f was closed after receiving two letters from the County of Santa Clara Department of Environmental Health and one letter from the California Regional Water Quality Control Board – Central Coast Region stating that the Fuel Leak Site was closed.
Attachments

Attachment 1 – Monitoring and Extraction well Locations.

Attachment 2 – Remediation Pad Layout.

Attachment 3 – Gavilan College UST (Underground Storage Tank) fund Claim Summary - 2 pages.

Attachment 4 – County of Santa Clara Transmittal Letter – July 5, 2012 from Michael Balliet – 2 pages.

Attachment 5 - County of Santa Clara Closure Letter – July 5, 2012 from Scott Bourdon – 2 pages.

Attachment 6 – California Regional Water Quality Control Board – Central Coast Region – Closure Criteria from Robert Trommer – 3 pages.

Attachment 7 – Photos from the site closure as follows:
- Photo of the enclosure around the Remediation Pad.
- Photo of the controls for the extraction pumps.
- Photo of the Ground Water carbon absorption tanks.
- Photo of the empty concrete base for the Remediation Pad after removal.
# Gavilan College UST Fund Claim Summary

<table>
<thead>
<tr>
<th>Reimbursement No. &amp; Date</th>
<th>Requested Amount</th>
<th>Cumulative amount (less 5K deductible)</th>
<th>notes</th>
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<td>No. 1, Dec 01</td>
<td>32,132.00</td>
<td>27,132.00</td>
<td>project costs prior to ECM (not already covered by State Architect)</td>
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<td>No. 2, June 02</td>
<td>13,623.06</td>
<td>40,755.06</td>
<td>install well MW-7, sampling and reporting</td>
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<td>7,334.10</td>
<td>48,089.16</td>
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<td>No. 4, Oct. 04</td>
<td>16,891.22</td>
<td>64,980.38</td>
<td>well sampling/reporting</td>
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<tr>
<td>No. 5, May 05</td>
<td>7,776.55</td>
<td>72,756.93</td>
<td>well sampling/reporting</td>
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<tr>
<td>No. 6, Mar 06</td>
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<td>115,086.16</td>
<td>system construction, underground conduits, piping, vaults, junction boxes, treatment pad framing</td>
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<td>No. 7, May 06</td>
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<td>127,793.23</td>
<td>Site repaving over trenches, Air District permit fees, Air District field testing, well sampling, and well logs and reporting</td>
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<td>No. 8, May 06</td>
<td>50,192.12</td>
<td>177,985.35</td>
<td>system construction, drill wells, NPDES permit, well sampling</td>
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<td></td>
<td></td>
<td></td>
<td>(this spreadsheet adjusted to match State Fund calculations as</td>
</tr>
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<td>No. 9, August 06</td>
<td>31,240.50</td>
<td>209,225.85</td>
<td>Purchase GW Equipment, Construct Treatment Pad, Install Discharge Conduit, Install Electric Lines To Pumps</td>
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</table>

(State Shows This as No. 8)
### GAVILAN COLLEGE UST FUND CLAIM SUMMARY

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<tr>
<th>Reimbursement No. &amp; Date</th>
<th>Requested Amount</th>
<th>Cumulative amount (less 5K deductible)</th>
<th>notes</th>
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<td>No. 10, October 06</td>
<td>51,550.86</td>
<td>260,776.71</td>
<td>Complete field sampling of monitoring wells (report to be prepared in November), complete SVE well connections, install 4 of 7 groundwater pumps; install and connect carbon filter units, preliminary electric connections</td>
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<td>No. 11A, November 06</td>
<td>29,622.58</td>
<td>290,399.29</td>
<td>System Installation, 10/2-11/13/06, Project Management, SVE Components and NPDES Permit Fees</td>
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<td>No. 11B, July 07</td>
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<td>324,477.00</td>
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<td>No. 12, March 08</td>
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<td>No. 13, Sept 08</td>
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<td>No. 14,</td>
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<td>No. 15,</td>
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<td>No. 18, July 2012</td>
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<td>Final Request to State</td>
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<td><strong>TOTAL</strong></td>
<td>852,153.40</td>
<td>849,274.82</td>
<td>$2,878.58 Ineligible for Stormwater Services &amp; PG&amp;E Processing</td>
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</table>
July 5, 2012

Mr. Jeff Gopp
Gavilan Community College
5055 Santa Teresa Boulevard
Gilroy, California 95020

Subject: Fuel Leak Site Case Closure Gavilan College, 5055 Santa Teresa Blvd., Gilroy, CA; Case No. 14-352, SCVWDID No. 11S3E18R01f

Dear Mr. Gopp:

This letter transmits the enclosed underground storage tank (UST) case closure letter for the subject case in accordance with Chapter 6.75 (Section 25296.10 [g]). The State Water Resources Control Board adopted this letter on February 20, 1997. As of March 1, 1997, all Local Oversight Programs (LOP) in the State are required to use this case closure letter for UST leak sites. The Santa Clara Valley Water District began transferring the LOP and all cases to the County of Santa Clara Department of Environmental Health on July 1, 2004. The County of Santa Clara is responsible for the issuance of the attached closure letter. The case closure summary is also enclosed. These documents confirm the completion of the investigation and cleanup of the reported release at the subject site. The subject fuel leak case is closed.

Please note the following conditions still remain at the site: residual contamination remains in soil of 480 parts per million (ppm) Total Petroleum Hydrocarbons (TPH) as Gasoline (TPHg), 10,000 ppm TPH, 1.5 ppm Benzene, 2.5 ppm Toluene, 9 ppm Ethylbenzene, 51 ppm Xylenes, and 10 ppm Methyl tert Butyl Ether (MtBE); and in groundwater of 270 parts per billion (ppb) TPHg, 36 ppb Benzene, 0.56 ppb Toluene, 2 ppb Ethylbenzene, 1.4 ppb Xylenes, and 230 ppb MtBE.

Residual contamination in soil and groundwater remains at the site that could pose an unacceptable risk under certain site development activities such as site grading, excavation, or the installation of water wells. The County and the appropriate planning and building department shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells. This notification shall include a statement that residual contamination exists on the property and list all mitigation actions, if any, necessary to ensure compliance with this site management requirement. The levels of residual contamination and any associated site risk are expected to reduce with time.
If you have any questions regarding the enclosed case closure form, please call Ms. Lani Lee of the Local Oversight Program at (408) 918-1977. Thank you.

Sincerely,

Michael Balliet
Hazardous Materials Program Manager
Site Mitigation Program

Attachments: 1. Case Closure Letter
2. Case Closure Summary

cc/enc: Mr. David Charter, State Water Resources Control Board
dcharter@waterboards.ca.gov
Mr. Wei Liu, Regional Water Quality Control Board (wliu@waterboards.ca.gov)
Ms. Geri Young-Love, Division of Clean Water Programs
gyounglove@waterboards.ca.gov
Mr. Jim Green, ECM Group (jgreen@ecmgrp.com)

cc/without enc: County of Santa Clara, Planning Office, 70 W. Hedding St., East Wing, 7th Floor, San Jose, CA 95110
July 5, 2012

Mr. Jeff Gopp
Gavilan Community College
5055 Santa Teresa Boulevard
Gilroy, California 95020

Subject: Fuel Leak Site Case Closure Gavilan College, 5055 Santa Teresa Blvd., Gilroy, CA; Case No. 14-352, SCVWDID No. 11S3E18R01f

Dear Mr. Gopp:

This letter confirms the completion of a site investigation and corrective action for the underground storage tank(s) formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank(s) site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code.

Please note that Assembly Bill 358 was adopted on October 1, 2011, and sets a reimbursement deadline. All claims for reimbursement of corrective action costs must be received by the State Cleanup Fund within 365 days of the date of this letter as specified in paragraph (1) of subdivision (l) of Section 25299.57 of the Health and Safety Code. Claims received after this date will not be reimbursed.
Mr. Gopp
July 5, 2012
Page 2 of 2

Please contact our office if you have any questions regarding this matter.

Sincerely,

[Signature]

Scott Bourdon
Director

cc: County of Santa Clara, Dept. of Environmental Health, HMCD
TO: Robert Trommer CHG  
Chief, 5-Year Review Unit  
Underground Storage Tank Cleanup Fund

FROM: Roger W. Briggs  
Executive Officer

DATE: February 28, 2008

SUBJECT: Specific Closure Criteria for the Central Coast Region

This memorandum is in response to your February 20, 2008 request for additional Region-specific information on our internal process for evaluating a site for closure.

The Central Coast Region's "Water Quality Control Plan" (Basin Plan) designates all groundwater throughout the Region, except for that found in the Soda Lake sub-basin, as having the beneficial uses of domestic and municipal supply, agricultural supply, and industrial supply. Therefore, unless a discharger can demonstrate that it is infeasible, all effects of a discharge must be cleaned up, as all users of the water are entitled to a supply of drinking water that is free of petroleum constituents.

In practice, Central Coast Water Board staff consider the following criteria for typical constituents of concern to indicate a low risk case that can be closed:

Narrative

- the plume is well characterized,
- the plume is contained onsite,
- the plume is contracting or declining in size and concentration due to contaminant attenuation, (i.e., natural bioremediation or degradation of the constituents to harmless compounds)
- the contaminant mass has been removed from the site to the extent practical,
• historical monitoring data indicate the hydrocarbon constituent concentrations are expected to continue to decrease with time and are unlikely to reach a drinking water supply well before constituents completely attenuate.

Numeric

• less than 1,000 micrograms per liter (µg/L) total petroleum hydrocarbons (TPH),

• less than 1 µg/L benzene,

• less than 5 µg/L methyl tertiary-butyl ether (MTBE),

• less than 12 µg/L tri-butyl alcohol (TBA)

The TPH and MTBE values have been established based on taste and odor thresholds, not health risks. The benzene value is based on the California Primary Maximum Contaminant Level (MCL), which is based on health effects data, but also contains other information relating to technical and economic feasibility of attainment in a water distribution system. The TBA value is based on California Department of Health Services (DHS) Notification Level, which is a health-based advisory level used by DHS for chemicals in drinking water that lack MCLs.

In addition to the above criteria, Central Coast Water Board staff also evaluate remaining soil and groundwater contaminant concentrations with respect to possible indoor air impacts, and soil concentrations with respect to direct human exposure and potential leachability to groundwater using the San Francisco Bay Regional Water Quality Control Board’s environmental screening levels. Implicit in this evaluation of “all pathways” is the requirement to determine the location of all domestic and municipal wells and to develop a determination that the contaminants remaining in place will not impact water supply wells in the future. Central Coast Water Board staff also incorporate public participation elements as outlined in the State Water Resources Control Board’s Final Draft, Public Participation at Cleanup Sites, April 2005, into our case closure considerations including notification of our intent to close a case to the property’s fee title holders.

The Central Coast Water Board allows staff to close cases that have reached the narrative and numeric criteria listed above. For cases where site-specific information indicates that there is no threat to the environment or to supply wells at concentrations above our numeric criteria, the Central Coast Water Board allows staff to recommend a case for closure. In these instances, Central Coast Water Board staff outline the rationale for the recommended closure in a written
staff report that is presented in a Central Coast Water Board meeting agenda. We have generally been successful in gaining our Board’s approval for our recommended closures for cases with contaminant concentrations above our numeric cleanup criteria when our narrative criteria have been met.

We look forward to working with your five-year case review team and the prospect of cleaning up more groundwater and bringing more cases to closure. If you have any questions, please contact Chris Adair at (805) 549-3761 or by email at CAdair@waterboards.ca.gov.
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

Consent Agenda Item No. 11. (g) Administrative Services
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No.

SUBJECT: Retiree Health Benefit Trust Investment Portfolio Status as of June 30, 2012

☐ Resolution: BE IT RESOLVED,
☒ Information Only
☐ Action Item

Proposal:
That the Board of Trustees review the Retiree Health Benefit Trust Investment Portfolio.

Background:
The District's contribution to the Retiree Health Benefit Program JPA is invested with the Union Bank of California, trustee of this irrevocable trust. Attached are their reports for the months of April, May and June 2012.

As of June 30, 2012, the portfolio market value is $7,175,222.36. The total liability for the retired pool of employees currently receiving benefits is now projected to be $5.3 million. This liability fluctuates as the composition of the retired employees receiving benefits changes.

Budgetary Implications:
For information purposes only.

Follow Up/Outcome:
None needed.

Recommended By: Joseph D. Keeler, Vice President of Administrative Services

Prepared By: Susan Cheu, Director, Business Services

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
RETIREE HEALTH BENEFITS FUNDING
PROGRAM JOINT POWERS AGENCY
GAVILAN CCD-BALANCED
PERIODIC ACCRUAL-BASIS STATEMENT
4/01/12 TO 6/30/12

ACCOUNT 6746018006

RECEIVED
JUL 25 2012

GAVILAN COLLEGE
PRESIDENT'S OFFICE

THIS STATEMENT IS A COMPLETE REPORT OF ALL ACCOUNT ACTIVITY AND LISTS ACCOUNT ASSETS AS OF
THE PERIOD INDICATED. PLEASE REVIEW THIS STATEMENT CAREFULLY AND NOTIFY US OF ANY ERROR.

GAVILAN COMMUNITY COLLEGE DISTRICT
STEVEN M. KINSELLA
5055 SANTA TERESA BLVD.
GILROY CA 95020-9599

ADMINISTRATOR: FRAN SCHOFENFELD
TELEPHONE NO. 949-553-7961
CAPACITY: TRUSTEE

MARKET VALUATIONS OF SECURITIES AND OTHER ASSETS ARE BASED UPON REPORTS OF INDEPENDENT PRICING SERVICES,
 BROKERS QUOTATIONS, PUBLISHED BID AND ASK PRICES AND OTHER SOURCES INDEPENDENT OF UNION BANK,
 N.A. AND HIGHMARK CAPITAL MANAGEMENT, INC. ALTHOUGH THESE SOURCES ARE CONSIDERED TO BE REASONABLY CORRECT,
 UNION BANK, N.A. MAKES NO REPRESENTATIONS OR WARRANTIES AS TO THEIR ACCURACY.
**TABLE OF CONTENTS**

<table>
<thead>
<tr>
<th>SCHEDULE</th>
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<td>ASSET SUMMARY</td>
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<td>MARKET AND BOOK VALUE RECONCILIATION</td>
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<td>MISCELLANEOUS CASH RECEIPTS AND DISBURSEMENTS</td>
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<td>SUMMARY OF CASH TRANSACTIONS</td>
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<td>INVESTMENTS SOLD</td>
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**Union Bank makes cash management easier by providing detailed account information directly to you on your periodic statement! Starting this month, we will list your cash transactions, both purchases and sales, as separate line items instead of one net transaction.**
# ASSET SUMMARY

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<th>DESCRIPTION</th>
<th>BOOK VALUE</th>
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ACCOUNT NUMBER: 6746018006  
CAPACITY: TRUSTEE  

ADMINISTRATOR: FRAN SCHOENFELD  
TELEPHONE NO: 949-553-7961
ASSET SUMMARY
BOOK VALUE / MARKET VALUE BAR GRAPH

INTEREST-BEARING CASH

MASTER TRUSTS

BOOK VALUE - □□□□□□□□
MARKET VALUE - □□□□□□□□
### Asset Statement

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* Held at last known price
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### MARKET AND BOOK VALUE RECONCILIATION

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* HELD AT LAST KNOWN PRICE
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### Miscellaneous Cash Receipts and Disbursements

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## MISCELLANEOUS CASH RECEIPTS AND DISBURSEMENTS

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### MISCELLANEOUS CASH RECEIPTS AND DISBURSEMENTS

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**Total Master Trust Gains/Losses**

**Total Master Trust**

98,945.16
SUMMARY OF CASH TRANSACTIONS

BEGINNING CASH BALANCE 0.00

RECEIPTS

SALES AND REDEMPTIONS-
SHORT TERM INVESTMENTS 125.00
OTHER INVESTMENTS 181,043.89

SUBTOTAL 181,168.89

TOTAL RECEIPTS 181,168.89

DISBURSEMENTS

PURCHASES-
SHORT TERM INVESTMENTS -125.00
OTHER INVESTMENTS -279,864.07

SUBTOTAL -279,989.07

ADMINISTRATIVE & OTHER EXPENSES-
TRUSTEE FEES/EXPENSES -125.00

SUBTOTAL -125.00

TOTAL DISBURSEMENTS -280,114.07

MASTER TRUST-
MASTER TRUST GAINS/LOSSES 98,945.18

TOTAL MASTER TRUST 98,945.18

NET CHANGE IN CASH 0.00

ENDING CASH BALANCE 0.00

INVESTMENTS PURCHASED

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### RHBP-SIT MASTER TRUST

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## INVESTMENTS SOLD

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ACTION ITEMS
NEW BUSINESS
CONSENT AGENDA Item No. 1

Information/Staff Reports No.  

Discussion Item No.  

Old Business Agenda Item No.  

New Business Agenda Item No.  

SUBJECT: Child Development Contract # CCTR1319, Amendment 02, Program Type: General Child Care and Development Programs, Project Number: 43-6947-00-1 and Resolution #945

Resolution: That the Board of Trustees approve Resolution #945

Information Only

Action Item

Proposal:
That the Board of Trustees approve the Child Development Contract # CCTR1319, Amendment 02, Program Type: General Child Care and Development Programs, Project Number: 43-6947-00-1

Background:
This is our state contract for children ages 2-3 years old that are not 3 by December 2nd of the current year. The contract is for $44,253 an increase from $31,253 with a daily rate of $34.38 per child for full time services. Our minimum child days of enrollment (CDE) changed from 909 to 1287. Our minimum days of operation (MDO) are 201, no change. We serve approximately 5 full time children under this contract.

Budgetary Implications:
An increase of $13,000 from our CSPP contract.

Follow Up/Outcome:
State reports submitted to the Child Development Division on a quarterly basis.

Recommended By: Dr. Kathleen Rose, Executive Vice President and Chief Instructional Services Officer

Prepared By: Susan E. Alonzo, Director, Child Development Center

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
RESOLUTION

This resolution must be adopted in order to certify the approval of the Governing Board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel to sign contract documents for Fiscal Year 2011-12.

RESOLUTION #945

BE IT RESOLVED that the Governing Board of GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

authorizes entering into local agreement number/s CCTR - 1319 and that the person/s who is/are listed below, is/are authorized to sign the transaction for the Governing Board.

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<thead>
<tr>
<th>NAME</th>
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<tr>
<td>DR. STEVEN M. KINSELLA</td>
<td>PRESIDENT</td>
<td></td>
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<tr>
<td>SHERREAN CARR</td>
<td>DEAN OF CAREER TECHNICAL EDUCATION</td>
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</tr>
<tr>
<td>SUSAN E. ALONZO</td>
<td>DIRECTOR CHILD DEVELOPMENT CENTER</td>
<td></td>
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PASSED AND ADOPTED THIS 14th day of August 2011-12, by the Governing Board of Gavilan Joint Community College District of Santa Clara County, California.

I, Jonathan Brusco, Clerk of the Governing Board of Gavilan Joint Community College District of Santa Clara County, California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a Regular Board meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

(Clerk's signature) (Date)
Amendment 02
LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES INCREASE
$ Transfer from CSPP-1572
CONTRACTOR'S NAME: GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

This agreement with the State of California dated July 01, 2011 designated as number CCTR-1319, Amendment #01 (AB 114 RESTORATION/FT&C CHANGE) shall be amended in the following particulars but no others:

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to $31,253.00 and inserting $44,253.00 in place thereof.

The Maximum Rate per child day of enrollment payable pursuant to the provisions of this agreement shall be $34.38. (No change)

SERVICE REQUIREMENTS

The minimum Child Days of Enrollment (CDE) Requirement shall be amended by deleting reference to 909.0 and inserting 1,287.0 in place thereof.

Minimum Days of Operation (MDO) Requirement shall be 201. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

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<tr>
<th>STATE OF CALIFORNIA</th>
<th>CONTRACTOR</th>
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<tr>
<td>PRINTED NAME AND TITLE OF PERSON SIGNING</td>
<td>DR. STEVEN M. KINSELLA - PRESIDENT</td>
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<tr>
<td>ADDRESS</td>
<td>5055 SANTA TERESA BLVD., GILROY, CA 95020</td>
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I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

SIGNATURE OF ACCOUNTING OFFICER
See Attached

DATE
See Attached
**Amendment 02**

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I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

SIGNATURE OF ACCOUNTING OFFICER

T.B.A. NO.  
B.H. NO.  
DATE
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

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

SUBJECT: Child Development Contract # CSPP-1572, Amendment 02, Program Type: California State Preschool Program, Project Number: 43-6947-00-1 and Resolution #946

☐ Resolution: That the Board of Trustees approve Resolution #946  
☐ Information Only  
☒ Action Item

Proposal:
That the Board of Trustees approve the Child Development Contract # CSPP-1572, Amendment 02, Program Type: California State Preschool Program, Project Number: 43-6947-00-1

Background:
This is our state contract for children ages 3-5 years old. The contract is for $236,389 with a daily rate of $34.38 per child for full time services. Our minimum child days of enrollment (CDE) changed from 6,876 to 6,498. Our minimum days of operation (MDO) are 201, no change. We serve approximately 25 full time children, and 35 part time children. This contract includes both students and non-students. The contract has been reduced to $223,389 (a reduction of $13,000) to be transferred to our CCTR contract.

Budgetary Implications:
Decrease of $13,000 which is being transferred to our CCTR contract. We would not have used these funds which would have been returned to the state.

Follow Up/Outcome:
State reports submitted to the Child Development Division on a quarterly basis.

Recommended By: Dr. Kathleen Rose, Executive Vice President and Chief Instructional Services Officer

Prepared By: Susan E. Alonzo, Director, Child Development Center

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
RESOLUTION

This resolution must be adopted in order to certify the approval of the Governing Board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel to sign contract documents for Fiscal Year 2011-12.

RESOLUTION #946

BE IT RESOLVED that the Governing Board of GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

authorizes entering into local agreement number/s CSPP - 1572 and that the person/s who is/are listed below, is/are authorized to sign the transaction for the Governing Board.

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<thead>
<tr>
<th>NAME</th>
<th>TITLE</th>
<th>SIGNATURE</th>
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<tr>
<td>DR. STEVEN N. KINSELLA</td>
<td>PRESIDENT</td>
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<tr>
<td>SHERREAN CARR</td>
<td>DEAN OF CAREER TECHNICAL EDUCATION</td>
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<tr>
<td>SUSAN E. ALONZO</td>
<td>DIRECTOR CHILD DEVELOPMENT CENTER</td>
<td></td>
</tr>
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</table>

PASSED AND ADOPTED THIS 14th day of August 2011-12, by the Governing Board of Gavilan Joint Community College District of Santa Clara County, California.

I, Jonathan Brusco, Clerk of the Governing Board of Gavilan Joint Community College District, of Santa Clara County, California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a Regular Board meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

(Clerk's signature) (Date)
Amendment 02

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES

DECREASE

$ Transfer to CCTR-1319

CONTRACTOR'S NAME: GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

This agreement with the State of California dated July 01, 2011 designated as number CSPP-1572, Amendment #01 (AB 114 RESTORATION/FT&C CHANGE) shall be amended in the following particulars but no others:

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to $236,389.00 and inserting $223,399.00 in place thereof.

The Maximum Rate per child day of enrollment payable pursuant to the provisions of this agreement shall be $34.38. (No change)

SERVICE REQUIREMENTS

The minimum Child Days of Enrollment (CDE) Requirement shall be amended by deleting reference to 6,876.0 and inserting 6,498.0 in place thereof.

Minimum Days of Operation (MDO) Requirement shall be 201. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

STATE OF CALIFORNIA

BY (AUTHORIZED SIGNATURE)

PRINTED NAME OF PERSON SIGNING
Margie Burke, Manager

TITLE
Contracts, Purchasing & Conference Services

FUND TITLE
Department of General Services

CONTRACTOR

BY (AUTHORIZED SIGNATURE)

PRINTED NAME AND TITLE OF PERSON SIGNING
DR. STEVEN M. KINSELLA - PRESIDENT

ADDRESS
5055 SANTA TERESA BLVD., GILROY, CA 95020

AMOUNT ENCUMBERED BY THIS DOCUMENT
$ -13,000

PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT
$ 236,389

TOTAL AMOUNT ENCUMBERED TO DATE
$ 223,399

PROGRAM/CATEGORY (CODE AND TITLE)
Child Development Programs

ITEM
See Attached

CHAPTER
See Attached

STATUTE
702

OBJECT OF EXPENDITURE (CODE AND TITLE)

This agreement with the State of California dated July 01, 2011 designated as number CSPP-1572, Amendment #01 (AB 114 RESTORATION/FT&C CHANGE) shall be amended in the following particulars but no others:

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to $236,389.00 and inserting $223,399.00 in place thereof.

The Maximum Rate per child day of enrollment payable pursuant to the provisions of this agreement shall be $34.38. (No change)

SERVICE REQUIREMENTS

The minimum Child Days of Enrollment (CDE) Requirement shall be amended by deleting reference to 6,876.0 and inserting 6,498.0 in place thereof.

Minimum Days of Operation (MDO) Requirement shall be 201. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

STATE OF CALIFORNIA

BY (AUTHORIZED SIGNATURE)

PRINTED NAME OF PERSON SIGNING
Margie Burke, Manager

TITLE
Contracts, Purchasing & Conference Services

FUND TITLE
Department of General Services

CONTRACTOR

BY (AUTHORIZED SIGNATURE)

PRINTED NAME AND TITLE OF PERSON SIGNING
DR. STEVEN M. KINSELLA - PRESIDENT

ADDRESS
5055 SANTA TERESA BLVD., GILROY, CA 95020

AMOUNT ENCUMBERED BY THIS DOCUMENT
$ -13,000

PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT
$ 236,389

TOTAL AMOUNT ENCUMBERED TO DATE
$ 223,399

PROGRAM/CATEGORY (CODE AND TITLE)
Child Development Programs

ITEM
See Attached

CHAPTER
See Attached

STATUTE
702

OBJECT OF EXPENDITURE (CODE AND TITLE)

This agreement with the State of California dated July 01, 2011 designated as number CSPP-1572, Amendment #01 (AB 114 RESTORATION/FT&C CHANGE) shall be amended in the following particulars but no others:

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to $236,389.00 and inserting $223,399.00 in place thereof.

The Maximum Rate per child day of enrollment payable pursuant to the provisions of this agreement shall be $34.38. (No change)

SERVICE REQUIREMENTS

The minimum Child Days of Enrollment (CDE) Requirement shall be amended by deleting reference to 6,876.0 and inserting 6,498.0 in place thereof.

Minimum Days of Operation (MDO) Requirement shall be 201. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

STATE OF CALIFORNIA

BY (AUTHORIZED SIGNATURE)

PRINTED NAME OF PERSON SIGNING
Margie Burke, Manager

TITLE
Contracts, Purchasing & Conference Services

FUND TITLE
Department of General Services

CONTRACTOR

BY (AUTHORIZED SIGNATURE)

PRINTED NAME AND TITLE OF PERSON SIGNING
DR. STEVEN M. KINSELLA - PRESIDENT

ADDRESS
5055 SANTA TERESA BLVD., GILROY, CA 95020

AMOUNT ENCUMBERED BY THIS DOCUMENT
$ -13,000

PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT
$ 236,389

TOTAL AMOUNT ENCUMBERED TO DATE
$ 223,399

PROGRAM/CATEGORY (CODE AND TITLE)
Child Development Programs

ITEM
See Attached

CHAPTER
See Attached

STATUTE
702

OBJECT OF EXPENDITURE (CODE AND TITLE)

This agreement with the State of California dated July 01, 2011 designated as number CSPP-1572, Amendment #01 (AB 114 RESTORATION/FT&C CHANGE) shall be amended in the following particulars but no others:

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to $236,389.00 and inserting $223,399.00 in place thereof.

The Maximum Rate per child day of enrollment payable pursuant to the provisions of this agreement shall be $34.38. (No change)

SERVICE REQUIREMENTS

The minimum Child Days of Enrollment (CDE) Requirement shall be amended by deleting reference to 6,876.0 and inserting 6,498.0 in place thereof.

Minimum Days of Operation (MDO) Requirement shall be 201. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.
## Amendment 02

**CONTRACT NUMBER:** CSPP-1572

### Program Category: Child Development Programs

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**OBJECT OF EXPENDITURE (CODE AND TITLE):** SACS: Res-5025 Rev-8290

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**OBJECT OF EXPENDITURE (CODE AND TITLE):** SACS: Res-5025 Rev-8290

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**OBJECT OF EXPENDITURE (CODE AND TITLE):** SACS: Res-6105 Rev-8590

---

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**OBJECT OF EXPENDITURE (CODE AND TITLE):** SACS: Res-6105 Rev-8590

---

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

SIGNATURE OF ACCOUNTING OFFICER
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

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

SUBJECT: Updated Instructional Services Agreement for Carpenters Training Committee

☐ Resolution: BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal: Approve updated Instructional Services Agreement with Carpenters Training Committee for Northern California

Background: We have had a carpenter and drywall apprenticeship program since 2008. This Instructional Services Agreement has been updated.

Budgetary Implications: No additional

Follow Up/Outcome: Instructional Services Agreement will be effective until 2015

Recommended By: Dr. Kathleen Rose, Executive Vice President, Instructional Services

Prepared By: Sherreen Carr, Dean of Career Technical Education

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
MASTER INSTRUCTIONAL SERVICES AGREEMENT BETWEEN
GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
AND
CARPENTERS TRAINING COMMITTEE OF NORTHERN CALIFORNIA
(Carpenter and Drywall Lather Apprenticeship)
Part A

This Agreement is made and entered into by and between the GAVILAN JOINT COMMUNITY COLLEGE DISTRICT (hereinafter “DISTRICT”), and the CARPENTERS TRAINING COMMITTEE OF NORTHERN CALIFORNIA (hereinafter referred to as “COMMITTEE”), for the purpose of outlining the duties and responsibilities of each party as they relate to providing affiliated educational courses through the COMMITTEE. DISTRICT and COMMITTEE mutually agree as follows:

I. RESPONSIBILITIES OF DISTRICT

A. DISTRICT shall offer approved educational courses to be taught, supervised and administered through COMMITTEE

<table>
<thead>
<tr>
<th>Course Name</th>
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<tbody>
<tr>
<td>CARP 201</td>
<td>Worker Safety and Tool Skills</td>
<td>Pablo Martinez</td>
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<td>CARP 202</td>
<td>The Apprenticeship Carpenter and the Trade</td>
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<td>CARP 204</td>
<td>Foundations and Floors</td>
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<td>Residential Blueprint Reading</td>
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<td>CARP 207</td>
<td>Form Detailing, Construction &amp; Erection</td>
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<td>Exterior Finish</td>
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<td>Blueprint Reading, Commercial</td>
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<td>CARP 217</td>
<td>Intro to Welding and Cutting</td>
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<td>Work Experience in Carpenter Apprenticeship</td>
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<td>Introduction to the Trade</td>
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<td>Basic Applications</td>
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<td>DRLT 298</td>
<td>Work Experience Drywall Apprenticeship</td>
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B. DISTRICT shall provide an administrator to work with the COMMITTEE's instructor of record and/or instructors.

C. DISTRICT shall assist the COMMITTEE in registration and other support services to students in order to adequately manage and control its course offerings. All students enrolled in the approved educational courses shall be subject to the same registration policies, procedures, rules and regulations as any other students of the District, including, but not limited to, grading policies, discipline policies, registration policies, and attendance policies. Students seeking to enroll in the approved courses shall be subject to the exceptions and additional requirements described below.

D. DISTRICT shall approve of the selection of instructors of record and/or instructors, and evaluate the quality to ensure that it meets the needs of the students and the accreditation requirements of DISTRICT. Instructor of record and/or instructor evaluations are conducted semi-annually. Site visits may be conducted annually for the purpose of evaluating instructor of record and/or instructor, facilities, equipment, materials, day to day management support and all other related overhead.

E. DISTRICT shall ensure that course offerings meet all appropriate State of California Code of Regulations (hereinafter referred to as "Title 5") and State of California Education Code (hereinafter referred to as "Education Code") requirements.

F. The DISTRICT hereby certifies that it is not receiving full compensation for the direct education costs of the courses described herein from any public or private agency, individual or group. The DISTRICT is responsible for obtaining certification verifying that the instructional activities are not fully funded by other sources. (Title 5, § 58051.5; Ed. Code, § 84752)

II. RESPONSIBILITIES OF COMMITTEE

A. COMMITTEE shall provide classroom space at the following location: Carpenters Training Center, Morgan Hill. This facility is clearly identified as being open to the general public [Title 5, § 58015.5]. If the location is outside the boundaries of the DISTRICT, the DISTRICT must comply with the requirement of Title 5, sections 55230-55232 concerning approval by adjoining community college districts and use of non-District facilities.

B. COMMITTEE shall provide instructor of record and/or instructors, facilities, equipment, materials, day-to-day management support, and all other related overhead necessary to conduct the approved courses described in Paragraph I. (A).
C. COMMITTEE shall provide instruction, supervision and evaluation of students in accordance with existing DISTRICT policies, procedures and accreditation requirements of the DISTRICT.

D. COMMITTEE shall cooperate with the DISTRICT to ensure that all personnel, equipment, and materials used in carrying out its responsibilities under this contract conform to the Education Code and Title 5 mandated standards governing instructional programs, including class hours sufficient to meet performance objectives.

E. COMMITTEE shall use the money received as compensation for services under this contract for the purpose of providing education and training to the students enrolled in its courses.

F. COMMITTEE shall assist DISTRICT in collecting a listing of students by name scheduled to attend each course. Upon completion of the course, COMMITTEE will provide an alphabetical listing with students’ name, social security, daily course hours attended, total hours attended, grade (credit/no credit), course name, course number, dates of instruction and the instructor of record and/or instructor signature along with the completed applications.

G. COMMITTEE shall maintain records of student attendance and achievement. These records will be open for review at all times by officials of the DISTRICT in accordance with existing policies related to student records.

H. Enrollment in the courses described in this Agreement shall be open to any person who has been admitted to the college and has met the applicable prerequisites (Title 5, § 51006, 58106). Any publications by DISTRICT or COMMITTEE advertising the courses specified in this Agreement shall include the DISTRICT’s policy on open enrollment, as well as a description of the course and information about whether the course is offered for credit and is transferable. (Title 5, § 55005).

I. COMMITTEE shall ensure that the instructor of record and/or instructor teaching different sections of the same course teach in a manner consistent with the approved outline of record for that course, and that students are held to a comparable level of rigor.

J. COMMITTEE will provide DISTRICT with a list of courses by the end of March in calendar year for Fall semester and by the end of October for the following Spring semester.

III. PAYMENT FOR SERVICES

A. The Apprenticeship Program shall be funded by: (1) monies from the State of California designated specifically for the apprenticeship program,
Montoya Funds under SB 1852; and (2) monies from general student apportionment.

B. In consideration for the services provided hereunder, DISTRICT shall pay the COMMITTEE 55% of base revenue per FTES (less any deficit) that is eligible for State general apportionment. It is recognized by the contracting parties that a portion of the aforementioned instructional hourly rates include payment to COMMITTEE for the COMMITTEE's provision of training facilities, per item II. A., as well as COMMITTEE's instructional staff. For fiscal years 2012-2015, said consideration shall not exceed 25 FTES, unless mutually agreed to prior to July 1.

C. The District does not represent or guarantee that the revenue received for the Program shall be in the amount shown on the projected Budget. The projected Budget is the District's best estimate for anticipated revenue. The District shall be entitled to a Local Education Agency Fee equal to twelve percent (12%) of apprenticeship funds received, pursuant to SB 1852.

D. Changes in State financial support for apprenticeship education will be applied in the determination of apprenticeship revenues earned and any funds due to the COMMITTEE. The actual amount due by the DISTRICT to the COMMITTEE shall be adjusted based on the actual apprenticeship hours and amount funded by the State when such information is finalized in November of each year, and provided to the DISTRICT by the COCCC in February of each year.

E. District will pay COMMITTEE after the completed enrollment applications, instructor of record and/or instructor resume(s), course outlines, course announcement, and completed course roster has been verified by the DISTRICT.

F. Instructional hours are defined as those hours that are reported on the DISTRICT's CCFS-320, California Community Colleges Apportionment Attendance Reports, and are subject to audit by the DISTRICT's independent auditor, the COMMITTEE, and the California Community Colleges Chancellor's Office.

G. DISTRICT agrees to pay the estimated amount due COMMITTEE in installments. The first two (2) installments shall be distributed as follows: (1) November 15th, 30%; (2) February 15th, 30%; the final installment of 40% will be paid after the Final Recalculation from the State Chancellor's Office. The DISTRICT agrees to provide COMMITTEE with a preliminary financial activity report after the end of the DISTRICT'S fiscal year ending June 30. This report will be submitted to COMMITTEE by August 31 of each year based upon most current disposition of apprenticeship education funds and state apportionment
funds, attendance hours generated for the instructional period, and actual costs incurred by the DISTRICT. The final payment due to the COMMITTEE shall be based upon actual costs incurred, and the actual apprenticeship funding received from the state and the apportionment funds earned.

H. If the State apprenticeship and apportionment funds received from this apprenticeship instructional program are adjusted due to subsequent audit(s) by the State of California or any of its agencies, the COMMITTEE shall reimburse to the DISTRICT any and all revenue losses which the DISTRICT may be obligated to return to the California Community Colleges, State Chancellor's Office or have deducted from the DISTRICT'S future apportionment funding.

I. Both the COMMITTEE and DISTRICT, by executing this contract, certify that the instructional activity to be conducted will not be fully funded by other sources. (Title 5, California Code of Regulations, §58051.5.)

IV. MISCELLANEOUS

A. If any of the provisions of this contract are found to be, or become contrary to State law or regulations or court decisions, DISTRICT and the COMMITTEE agree that the contract shall be renegotiated as it relates to said provision, without affecting the balance or intent of this contract.

B. The DISTRICT agrees to indemnify and hold harmless the COMMITTEE and its authorized agents, officers, volunteers, and employees against any and all claims or actions arising from DISTRICT's negligent acts, errors or omissions and for any cost or expense incurred by the COMMITTEE on account of any claim therefor.

C. The COMMITTEE agrees to indemnify and hold harmless the DISTRICT and its authorized agents, officers, volunteers, and employees against any and all claims or actions arising from the COMMITTEE's negligent acts, errors or omissions and for any cost or expense incurred by the DISTRICT on account of any claim therefor.

D. The term of this Agreement shall be for a period of time commencing on July 1, 2012 and terminating on June 30, 2015. Thereafter, it shall be automatically renewed for one (1) year periods unless at least ninety (90) calendar days prior to the expiration date either party gives written notice of nonrenewal. Notwithstanding the foregoing, either party may terminate this contract with or without cause, upon 90 days' written notice given to the COMMITTEE.
E. If students withdraw prior to completion of a course, the DISTRICT shall pay only for the instructional hours which the student completed which are eligible for state apportionment.

F. The DISTRICT will provide its standard student liability and medical care coverage for students attending COMMITTEE classes. COMMITTEE, its employees and agents release the DISTRICT from liability for claims arising due to illness or bodily injury in excess of this standard coverage.

G. Both parties will ensure that ancillary and support services are provided for students (e.g., counseling, guidance, placement assistance).
Any and all notices required to be given hereunder shall be deemed given when personally delivered or deposited in the U.S. mail, certified, postage prepared to the following address:

DISTRICT:  Gavilan Joint Community College District  
Attn: Sherrean Carr, Dean of Career Technical Education  
5055 Santa Teresa Boulevard  
Gilroy, CA  95020

COMMITTEE: Carpenters Training Committee of Northern California  
Attn: Randy Gourley, Director  
2350 Santa Rita Road  
Pleasanton, CA  94566

<table>
<thead>
<tr>
<th>GAVILAN JOINT COMMUNITY COLLEGE DISTRICT</th>
<th>CARPENTERS TRAINING COMMITTEE OF NORTHERN CALIFORNIA</th>
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<tr>
<td>Steven M. Kinsella, D.B.A., C.P.A.</td>
<td>Randy Gourley</td>
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<tr>
<td>Superintendent/President</td>
<td>Director</td>
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SUBJECT: Board Policies

☐ Resolution: BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal:
That the Board of Trustees approve the attached Board Policies.

Background:
The policies have gone through the shared governance process including the Board Policy Subcommittee. The policies were presented for a first reading for information at the July Board meeting and are presented for a second reading and action at this meeting.

Budgetary Implications:

Follow Up/Outcome:
The policies will be posted online and implemented.

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By: __________________________
Dr. Steven M. Kinsella, Superintendent/President

Agenda Approval: __________________________
Dr. Steven M. Kinsella, Superintendent/President
BP 3440  Service Animals

References:
The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.;
28 Code of Federal Regulations Part 35;
28 Code of Federal Regulations Part 36;
34 Code of Federal Regulations Part 104.44(b)

Note: This policy is legally required.

In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal or miniature horse in District facilities and on District campuses in compliance with state and federal law.

See Administrative Procedure 3440.

New 7/11
BP 3560 Alcoholic Beverages

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

Note: This policy is required.

The CEO is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.
BP 4020  Program, Curriculum, and Course Development

Reference:
*Education Code Section 70901(b), 70902(b); and 78016; Title 5, Section 51000, 51022, 55100, 55130, and 55150; US 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 Code of Federal Regulations Sections 600.2, 602.24, 603.24 and 668.8*

The programs and curricula of the District shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. To that end, the President of the College shall ensure there are procedures for the development and review of all curricular offerings, including their establishment, modification or discontinuance.

Furthermore, these procedures shall include:

- appropriate involvement of the faculty and Faculty Senate in all processes;
- regular review and justification of programs and course descriptions;
- opportunities for training for persons involved in aspects of curriculum development.
- consideration of job market and other related information for vocational and occupational programs.

All new programs and program deletions and all new courses and course deletions shall be approved by the Board. All other actions are delegated to the president and shall be submitted to the Board for information.

All new programs shall be submitted to the Office of the Chancellor for the California Community Colleges for approval as required.

Individual degree-applicable credit courses offered as part of a permitted educational program shall be approved by the Board. Non-degree-applicable credit and degree-applicable courses that are not part of an existing approved program must satisfy the conditions authorized by Title 5 regulations and shall be approved by the Board.

**Credit Hour**

Consistent with federal regulations applicable to federal financial aid eligibility, the District shall assess and designate each of its programs as either a "credit hour" program or a "clock hour" program.

The President of the College will establish procedures which prescribe the definition of "credit hour" consistent with applicable federal regulations, as they apply to community college districts.

The President of the College shall establish procedures to assure that curriculum at the District complies with the definition of "credit hour" or "clock hour," where applicable. The President shall also establish procedure for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid.
The conversion formula is used to determine whether such a credit-hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.

See Administrative Procedure #4020

Amended by the Board of Trustees: May 13, 2008
Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: June 11, 2002
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

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

SUBJECT: Title V Hartnell Partnership Grant

☐ Resolution: BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal:
That the Board accept the Title V award for the grant period of 10/1/2012 – 9/30/2017.

Background:
Gavilan College, lead college in this Title V Cooperative Arrangement project, partnered with Hartnell College and California State University, Monterey Bay (CSUMB) to address serious problems in Hispanic student outcomes. The project goals directly evolved from a thorough analysis of the problems the three partners share.

Goals for Cooperative Effort:
1) Academic Programs: To develop three CTE transfer pathways to CSUMB in: Nursing, Computer Science and Digital Media that increase Gavilan/Hartnell transfers/degree completers.
2) Institutional Management: To increase the quality and quantity of data available to evaluate and improve the CTE transfer pathway, and train faculty and student to track student outcomes.
3) Fiscal Stability: To provide services to more CTE transfer pathway students at no additional operating costs; reduce technology costs with Open-Source Resources.

Budgetary Implications:
The Title V award is $775,000.00 per year for five years.

Follow Up/Outcome:

Recommended By: Dr. Kathleen A. Rose, Executive Vice President and CIO

Prepared By: [Signature]
Dr. Kathleen Rose, Executive Vice President and Chief Instruction Officer

Agenda Approval: [Signature]
Dr. Steven M. Kinsella, Superintendent/President
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

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

SUBJECT: Return of Child Development Center Contract #CCTR – 2299, General Child Care and Development Programs, Project #436947-00-2

☐ Resolution: BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal:
That the Board of Trustees approves the return of Child Development Center Contract #CCTR – 2299, General Child Care and Development Programs, Project #43-6947-00-2 to the State of California, Department of Education, Child Development Division, and closure of the two-year-old classroom on August 24, 2012.

Background:
There has been an infant toddler program at Gavilan College since about 1997. Changes have been made throughout the years and the current Infant Toddler program consists of one classroom. The room serves children that are 2-3 years old. Previously, at capacity, the room had 12 children and two adults. FY 2011-2012 we only had 8 children enrolled. We had 5 children under our state contract and 3 children that were fee based. Currently there are 3 children in the program under the fee-based (all Gavilan students) and one under our state contract (a student). Only one child is attending now because school is out of session. Our plan was to decrease our numbers to only 8 children and one adult for the upcoming year, however the income generated from this room does not cover our expenses. Our contract was also reduced from the state from $31,253 to $25,039 with another reduction expected. Gavilan College general fund has to contribute to the center budget in order to keep us operating.

Two staff members left employment in May 2012 and this opened up the teacher position in the two-year-old classroom. Due to the costs the center would incur in hiring a new teacher the decision was made to remove the classroom from operation.
Budgetary Implications:
The funding for this room is from either parent payment or an agency paying on behalf of the parent. Tuition for this room is $1,000 per month. The maximum tuition we would receive if we were always at capacity is $55,000 (based on 11 months) and $25,039 (based on the current state contract) plus the meal reimbursement. We would not be receiving this income and we would still have the assistant that was designated in that classroom with a cost of about $45,000.

Follow Up/Outcome:
The State Department of Education was notified on August 2, 2012 of our intent to close the program and return the contract. We will follow their procedures for the closure of the program.

The room would close August 24, 2012. An assistant teacher would move to being a floater and cover staff lunches, breaks and staff absences when needed.

Parents were notified by mail of the closure on August 2, 2012. CDC staff has been notified of the expected closure of the classroom. The CDC web page will be changed to remove the 2-year-old program from there. The spring catalog for Gavilan College will be changed to remove the two-year-old program.

Child Development instructors will be contacted to let them know that we no longer have a classroom for 2 year olds so they do not try to utilize the center for that age group. Brochures will be revised to remove the 2-year-old program.

Recommended By: Dr. Kathleen Rose, Executive Vice President and Chief Instructional Services Officer

Prepared By: Susan E. Alonzo, Director, CDC

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President
Gavilan Joint Community College District
Governing Board Agenda

August 14, 2012

Consent Agenda Item No. Administrative Services
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. 1.(g)

SUBJECT: Budget Adjustments

☐ Resolution: BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal:
That the Board of Trustees approve the attached budget adjustments for FY 2011-12.

Background:
During the fiscal year various budget adjustments are needed to align revenues and expenditures. California Code of Regulations Title V 58307 requires the Board of Trustees approve all changes in the budget.

Budgetary Implications:
Changes to the Final Budget are needed to accommodate expenditure needs of various departments and to appropriate revenue for the general fund and categorical programs.

Follow Up/Outcome:
No further action is required.

Recommended By: Joseph D. Keeler, Vice President of Administrative Services

Prepared By:    
Susan Cheu, Director Business Services

Agenda Approval:    
Dr. Steven M. Kinsella, Superintendent/President

C:/Board/Forms/Montly BudgetAdjustmentsCvrSheet
**Fund 10**

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**Final (Adopted) Estimated Beginning Fund Balance at 7/1/11**

$3,915,619.00

**Change to Actual Fund Balance at 7/1/11**

$(1,751,748.00)

**Actual Beginning Balance at 7/1/11**

$2,163,871.00

**Final (Adopted) Budget Net Change in Fund Balance**

$966,589.00

**Budget adjustments from current year's previous months to increase (decrease)**

$0.00

**net change to fund balance**

$966,589.00

**Current decrease in budgeted expenditures increases Fund Balance**

$33,158.00

**Current Increase in budgeted expenditures decreases Fund Balance**

$(33,158.00)

**Rewritten Net Change in Ending Fund Balance**

$966,589.00

**Estimated Ending Fund Balance 6/30/12 for General Fund 10**

$3,130,460.00
## Fund 27

### DECREASE

<table>
<thead>
<tr>
<th>Organization</th>
<th>Account Code</th>
<th>Program #</th>
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<tbody>
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<td>EOPS Carryover</td>
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**Total Fund 27:**

<table>
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<tr>
<th>Amount</th>
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<tr>
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### INCREASE

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<tr>
<th>Organization</th>
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**Final (Adopted) Estimated Beginning Fund Balance at 7/1/11:**

<table>
<thead>
<tr>
<th>Amount</th>
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</thead>
<tbody>
<tr>
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**Change to Actual Fund Balance at 7/1/11:**

<table>
<thead>
<tr>
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<tbody>
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**Actual Beginning Balance at 7/1/11:**

<table>
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<tr>
<th>Amount</th>
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<tbody>
<tr>
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</tbody>
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**Final (Adopted) Budget Net Change in Fund Balance:**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00</td>
</tr>
</tbody>
</table>

**Budget adjustments from current year's previous months to increase (decrease) net change to fund balance:**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$8,897.00</td>
</tr>
<tr>
<td>($8,897.00)</td>
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</table>

**Revised Net Change in Ending Fund Balance:**

<table>
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<tr>
<th>Amount</th>
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</thead>
<tbody>
<tr>
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</tbody>
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**Estimated Ending Fund Balance 6/30/12 for Restricted General Fund 27:**

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<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00</td>
</tr>
</tbody>
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### Fund 27

#### INCOME - Increase/(Decrease)

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<td>CARE</td>
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**Total Fund 27:**

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<tr>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>$883.00</td>
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</table>

#### EXPENSE - Increase/(Decrease)

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**Total Fund 27:**

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<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>$883.00</td>
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</tbody>
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**Final (Adopted) Estimated Beginning Fund Balance at 7/1/11:**

<table>
<thead>
<tr>
<th>Amount</th>
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<tbody>
<tr>
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**Change to Actual Fund Balance at 7/1/11:**

<table>
<thead>
<tr>
<th>Amount</th>
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<tbody>
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**Actual Beginning Balance at 7/1/11:**

<table>
<thead>
<tr>
<th>Amount</th>
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<tbody>
<tr>
<td>$0.00</td>
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**Final (Adopted) Budget Net Change in Fund Balance:**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00</td>
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</tbody>
</table>

**Budget adjustments from current year's previous months to increase (decrease) net change to fund balance:**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$883.00</td>
</tr>
<tr>
<td>($883.00)</td>
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</table>

**Revised Net Change in Ending Fund Balance:**

<table>
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<th>Amount</th>
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<tbody>
<tr>
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**Estimated Ending Fund Balance 6/30/12 for Restricted Fund 27:**

<table>
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<tr>
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### Fund 47

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<th>INCREASE</th>
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<tbody>
<tr>
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<td>#</td>
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<td>931547</td>
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<tr>
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**Total Fund 47**

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<tr>
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**Final (Adopted) Estimated Beginning Fund Balance at 7/1/11**

**Change to Actual Fund Balance at 7/1/11**

**Actual Beginning Balance at 7/1/11**

**Final (Adopted) Budget Net Change in Fund Balance**

**Budget adjustments from current year's previous months to increase (decrease) net change to fund balance**

**Current decrease in budgeted expenditures increases Fund Balance**

**Current increase in budgeted expenditures decreases Fund Balance**

**Revised Net Change in Ending Fund Balance**

**Estimated Ending Fund Balance 6/30/12 for Student Body Fund 47**

------

### Fund 47

<table>
<thead>
<tr>
<th>INCOME - Increase/(Decrease)</th>
<th>EXPENSE - Increase/(Decrease)</th>
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</thead>
<tbody>
<tr>
<td>Organization</td>
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**Total Fund 47**

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**Final (Adopted) Estimated Beginning Fund Balance at 7/1/11**

**Change to Actual Fund Balance at 7/1/11**

**Actual Beginning Balance at 7/1/11**

**Final (Adopted) Budget Net Change in Fund Balance**

**Budget adjustments from current year's previous months to increase (decrease) net change to fund balance**

**Current decrease in budgeted expenditures increases Fund Balance**

**Current increase in budgeted expenditures decreases Fund Balance**

**Revised Net Change in Ending Fund Balance**

**Estimated Ending Fund Balance 6/30/12 for Student Body Fund 47**

$241,105.00
Consent Agenda Item No. Administrative Services
Information/Staff Reports No.
Discussion Item No.
Old Business Agenda Item No.
New Business Agenda Item No. 1. (h)

SUBJECT: BFGC-IBI Group Architecture and Planning (BFGC) Project Assignment Amendment (PAAs) for Consulting Services for an Educational Center Feasibility Study

☐ Resolution: BE IT RESOLVED,
☐ Information Only
☒ Action Item

Proposal:
That the Board of Trustees approve BFGC-IBI Group Architecture and Planning (BFGC) Project Assignment Amendments (PAAs) for Consulting Services for an Educational Center Feasibility Study.

Background:
On July 12, 2011, the Board ratified an On-Going Architectural Services Agreement with BFGC-IBI Group Architecture and Planning. The Architectural Services Agreement stipulates that for each individual district project, a separate Project Assignment Amendment (PAA) will be entered into.

Project Assignment Amendment for Consulting Services for an Educational Center Feasibility Study

- Basic Services to provide architectural, structural, electrical, mechanical and cost estimating consulting services.
- Basic service fees not to exceed $30,000.
- Measure E funds.

Budgetary Implications:
The efficient use of Measure E Bond Program funds.

Follow Up/Outcome:
Process the agreement.

Recommended By: Joseph D. Keeler, Vice President of Administrative Services

Prepared By: Joseph D. Keeler, Vice President of Administrative Services

Agenda Approval: Dr. Steven M. Kinsella, Superintendent/President