BP 3050 Institutional Code of Ethics

Reference:

ACCJC Accreditation Standard III.A.13

Text from Principles of Community approved by Board of Trustees, December 2012

As members of the Gavilan College community, we value the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. We strive to maintain these ideals in an environment of inclusiveness and mutual respect.

See Administrative Procedure #2715 and #3050
AP 3050  Institutional Code of Ethics

Reference:
ACCJC Accreditation Standard III.A.13

NOTE: The Accreditation Standard requires districts to uphold a written code of professional ethics for all of its personnel, including consequences for violation. Local practice may be inserted here.

Insertion of Principles of Community approved by Board of Trustees, December 2012

The Principles of Community provide the foundation which creates this environment. The expectation is that we maintain the highest ethical standards in order to establish an atmosphere of civility, honesty, cooperation, professionalism and fairness.

Gavilan College aspires to be:

•  Diverse
  We embrace and celebrate diversity in all its forms (the heritage, achievements, uniqueness, and contributions of all our members) and seek to uphold an inclusive, open and enlightened community.

•  Open
  We believe free exchange of ideas requires mutual respect, trust and consideration for our differences.

•  Purposeful
  We are a community that maintains a shared commitment to service to society and advancement of knowledge through innovative teaching and learning.

•  Just
  We are committed to respect for individual dignity and equitable access to resources, recognition and security.

These Principles of Community, reflected in Board Policy 2715, guide the institution’s actions. They provide guidelines to follow and are to be considered a living document. Adherence to the Principles of Community is the professional responsibility of all staff. Behavior that is in conflict with the principle will be subject to administrative review. Ultimately, Gavilan College is dedicated to fulfilling its mission with compassion, caring and understanding, while respecting all individuals.
BP 3200  Accreditation

Reference:

ACCJC Accreditation Eligibility Requirement 21 and ACCJC Accreditation, Standards I.C.12 and 13 (formerly IV.B.1.i)
Title 5 Section 51016

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

Amended by the Board of Trustees: November 10, 2014
Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: December 11, 2001
AP 3200  Accreditation

Addendum for Board Meeting, 11/13/2001

Reference:
ACCJC Accreditation Eligibility Requirement 21 and ACCJC Accreditation Standards I.C.12 and 13 (formerly IV.B.1i)
Title 5 Section 51016

External Accreditation

A. Approval

The President of the College shall approve the application to all organizations that accredit Gavilan 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.

Amended by the Board of Trustees: October 14, 2014
Amended by the Board of Trustees: August 14, 2012
Approved by the Board of Trustees: December 11, 2001
BP 3250 Institutional Planning

Reference:

ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5 I-B;
Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55250, 55080, 55190, et seq., 55510, 56270 et seq.

The President of the College shall ensure that the District has and implements a broad-based comprehensive, systematic and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

The planning system shall include plans required by law, including, but not limited to,
- Long range educational or academic master plan, which shall be updated periodically as deemed necessary by the Governing Board
- Facilities Plan
- Equal Employment Opportunity Plan
- Student equity plan
- Student Success and Support Program plan
- Transfer Center Plan
- Cooperative Work Experience Plan
- EOPS Plan

The President of the College shall submit those plans to the Board for approval as required by Title 5.

The President of the College shall inform the Board about the status of planning and the various plans.

The President of the College shall ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

See Administrative Procedure #3250

Amended by the Board of Trustees: November 10, 2014
Approved by the Board of Trustees: December 11, 2001
AP 3250 Institutional Planning

References:

ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5:
Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55250, 55080, 55190, et seq., 55510, 56270 et seq.

Strategic planning provides direction to the college and provides to students the best possible learning experiences, high quality support systems, and an environment promotes learning. Institutional research and effectiveness will be integrated with and supportive of all institutional planning. The mission, values, objectives and institutional student learning outcome goals will be available on the college website and in the college catalog. All plans will be distributed to college representative groups both during the development stages and after final approval. Strategic planning produces the following plans.

**Strategic Plan:** The strategic plan states the mission, values and institutional objectives of the college. The objectives have outcome measures that both determine if the objective has been reached and whether the objective has been effective. One or more of the college objectives addresses student learning outcome goals and related planning needs. This plan provides the framework for all the other plans that support it. This plan is a primary responsibility of the Board in collaboration with the staff. Each year the board prioritizes objectives in order to formulate budget guidelines for the next fiscal year, again in collaboration with the staff. Although the strategic plan is a five-year plan, it is updated each year. Updating will include assessment planning and prioritizing of objectives.

**Educational Master Plan:** The educational master plan implements the strategic plan by identifying the department and program activities that support the major objectives of the strategic plan plus the objectives and activities relevant to individual departments and programs. The educational master plan in essentially the compilation of all unit plans. The educational master plan is a five year plan that is updated each year. Updating will include assessment planning and prioritizing of objectives and activities.

**Student Learning Outcome Goals:** Student learning outcome goals are developed at the course, program, unit, and institutional levels. They identify what the student has learned and is able to demonstrate after completing each level.

**Unit:** Department, program or service at the college.

**Unit Action Plans:** Unit action plans are those developed by departments, programs, and service areas. They identify activities, timelines and assigned responsibilities that support the objectives in the strategic plan and objectives, activities, timelines and assigned responsibilities unique to the unit. Academic and student services units also identify student learning outcome goals for their units. Together the unit action plans comprise the educational master plan. These plans form the basis and justification for yearly budget development. These are three-year plans that are reviewed and updated each year. When the Institutional Effectiveness Committee (IEC) reviews departments and programs, these plans are reviewed, updated and developed into new action plans to implement IEC recommendations. They also form the basis for accreditation self-assessment.
Budget Request Form: Unit plan requests for resources will be initiated and monitored through the use of a Budget Request Form. A form is prepared for each of the next three fiscal years and serves as the link between program review, unit plan and the college budget. Budget Request Forms are updated each year along with the annual update of the unit plans.

**Mission:** Official purpose statement of the college. What we do and provide. A promise made to the community and our students. The mission will identify the intended student population (e.g. transfer, older adult, career-technical and pre-collegiate preparation) and will emphasize improvement in student learning.

**Values:** The standards by which we determine what we do. The collective guiding principles that drive the institution and give us inspiration. Values are the context in which we establish the college climate and fulfill our mission.

**Objectives:** A concrete set of achievable actions and strategies that address a value and focus our energies within a defined timeframe.

**Outcome Measures:** The intended results from the implementation of an objective. How we know when an objective has been achieved and the significance of the results.

**Learning Outcomes:** The intended results of education and experiences at Gavilan College. What students are able to do as a result of our efforts. Competencies.

**Facilities Plan:** The facilities plan implements the educational master plan by identifying and prioritizing the facilities construction and remodeling that is required by the educational master plan. The facilities plan is a five-year plan that is reviewed and updated each year.

**Technology Plan:** The technology plan implements the technology aspects of the educational master plan by addressing such areas as distance education, management information services, technology support, management of technological resources and staffing. This is a five-year plan that is reviewed and updated each year.

**Staffing Plan:** The staffing plan addresses the staffing needs of the educational master plan, the technology plan and the facilities plan. It identifies and addresses equal employment issues as well as processes for identifying staff needs. This is a five-year plan that is reviewed and updated each year.

All plans are considered when developing the budget guidelines and the college budget each year. With the strategic plan driving all other plans, they are integrated, and together drive the budget development process. Each department will use their plan as support/justification for budget requests.

**Strategic Planning Committee:** The Strategic Planning Committee is a subcommittee of the President’s Council. The subcommittee will meet at least quarterly to review the progress on achievement of strategic plan goals and to develop updates to the strategic plan. The purpose of the committee is to coordinate the development and the update of all district plans and to monitor their progress.

**Approval Process:** When the strategic planning committee conducts the yearly plan update, plans will be forwarded to the President’s Council constituent groups and the board for review and comment. The president’s council will then review and incorporate any comments, finalize the plans, and then present them as a recommendation to the president. The plans will then be
forwarded to the board with the president's recommendation for their review, modification and final approval. If required, the plans will then be sent to the state chancellor's office.

Amended by the Board of Trustees: October 9, 2007
Approved by the Board of Trustees December 11, 2001
BP 3410 Non-discrimination

Reference:

Education Code Sections 66250 et seq.; 72010 et seq., and 87100 et seq.;
Title 5, Sections 53000 et seq. and 59300 et seq.;
Penal Code Section 422.55;
Government Code Sections 12926.1 and 12940 et seq.

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements II.B.2.e

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, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, 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, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/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 10, 2014
Amended by the Board of Trustees: January 14, 2014
Amended by the Board of Trustees: October 9, 2012
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: February 8, 2005
Approved by the Board of Trustees: December 11, 2001
AP 3410  Nondiscrimination

Nondiscrimination References for Education Programs:

*Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;*
*Penal Code Sections 422.55 et seq.;*
*Title 5 Sections 59300 et seq.;*
*ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements Accreditation Standard II.B.2.e*

**Education Programs**
The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, 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.

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:

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

**Employment**
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, gender, gender identity, gender expression, age, sexual orientation, or military and 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.
AP 3410 Nondiscrimination

Nondiscrimination References for Education Programs:
Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;
Penal Code Sections 422.55 et seq.;
Title 5 Sections 59300 et seq.;
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements Accreditation Standard II.B.2.e

Education Programs
The District shall provide access to its services, classes and programs without regard to, national origin, religion, age gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, 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.

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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.
AP 3430 Prohibition of Harassment

References:
Education Code Sections 212.5; 44100; 66281.5;
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

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.

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 military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. 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 that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

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 touches, 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 may exist 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 verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

- submission to the conduct is explicitly or implicitly 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 (as more fully described below); 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:

"Quid pro quo" 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.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on 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 or 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.

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 propositioning; 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, petting, fingering or intimate touching, 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/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.

**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, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the 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.
Academic Freedom

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws. To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom 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.

Amended by the Board of Trustees: October 14, 2014
Amended by the Board of Trustees: August 14, 2012
Amended by the Board of Trustees: October 10, 2006
Amended by the Board of Trustees: Nov. 11, 2003
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 1092(f) and 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)).

For purposes of reporting under the Clery Act, “hate crimes” include domestic violence, dating violence, and stalking

Amended by the Board of Trustees: December 10, 2013
Amended by the Board of Trustees: August 14, 2012
Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: December 11, 2001
BP 3540 Sexual and other Assaults on Campus

Reference:
Education Code Section 67382, 67385, and 67386;
20 USC.Code.Section § 1092(f);
34 Code of Federal Regulations Section .F.R. § 668.46(b (11)

Any sexual assault or physical abuse, including rape as defined by California law, whether committed by an employee, student, or member of the public, that occurs on District property, is a violation of the following District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The President of the College shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386, and 34 Code of Federal Regulations Section .F.R. § 668.46 and shall include assurances that:

- All victims of sexual assault on District property shall be provided with information regarding options and assistance available to them.
- All alleged victims of sexual assault shall be provided with the following, upon request:
  1. A copy of this Board Policy containing the District's policy regarding sexual assault;
  2. A list of personnel on campus who should be notified of the assault, and procedures for such notification, if the alleged victim consents;
  3. A description of available services, and the persons on campus available to provide those services, including but not limited to transportation to a hospital, counseling by District staff or referral to a counseling center, notice to the police, if desired, and a list of other available campus resources or appropriate off campus resources;
  4. A description of available procedures, including criminal prosecution, civil prosecution (i.e., lawsuit), District disciplinary procedures, and modification of class schedules and tutoring, if necessary; and
  5. Information regarding any ongoing investigation, including the status of any student or employee disciplinary proceedings or appeal.

The District shall maintain the identity of any alleged victim of sexual assault on District property in confidence unless the alleged victim specifically waives that right to confidentiality. The District shall maintain the identity of any alleged assailant who is a student or an employee in confidence unless the alleged assailant waives that right to confidentiality.

See Administrative Procedure #3540
Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: December 11, 2001
AP 3540  Sexual and Other Assaults on Campus

References:
- Education Code Sections 67385, 67386, and 67386;
- 20 U.S. Code Section 1092(f);
- 34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, 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.

" Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:
- a current or former spouse of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim as a spouse;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts by California law.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking 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 domestic violence, dating violence, sexual assault, or stalking 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 domestic violence, dating violence, sexual assault, or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
  - Security Department; dial "10" on Gilroy campus telephone or 408-710-7490; Hollister and Morgan Hill sites should dial 408-710-7490
  - Vice President of Student Services at 408-848-4732
  - Director, Human Resources at 408-848-4753
- Local law enforcement at 911
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, which include 911 services, and the persons on campus available to provide those services if requested. Services include:
  - transportation to a hospital, if necessary;
  - referral to a counseling center;
  - notice to the police, if desired;
  - 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:
  - criminal prosecution;
  - civil prosecution (i.e., lawsuit);
  - District disciplinary procedures, both student and employee;
  - modification of class schedules; and,
  - tutoring, if necessary.

The Director, Human Resources, or designee, 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 domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Director of Human Resources when the alleged victim is an employee and the Vice President of Student Services when the alleged victim is a student of any ongoing investigation. Information shall include the status of any student of employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.
A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District’s student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused’s belief in affirmative consent rose from the intoxication or recklessness of the accused.

- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.

- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.

- The complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim or witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, or witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District’s Public Information Officer which 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, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;

- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking 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 security 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 domestic violence, dating violence, sex offense, or stalking 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 domestic violence, dating violence, sex offense, or stalking 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 domestic violence, dating violence, sex offense, or stalking 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, domestic violence, dating violence, or stalking.

**Education and Prevention Information**

The Director of Human Resources (employees) and the Vice President of Student Services (students) shall:

• Provide, as part of each campus’ established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, or and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District’s sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction

• Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Amended by the Board of Trustees: March 11, 2014
Amended by the Board of Trustees: August 14, 2012
Approved by the Board of Trustees: December 11, 2001
AP 3560 Alcoholic Beverages

References:
Business and Professions Code Sections 24045.4, 24045.6, and 25608; 34 Code of Federal Regulations Section 668.46(b)

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the event coordinator. The campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the event coordinator. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the Office of the President.
- A student at least 18 years of age tastes, but does not swallow or consume, beer or wine for educational purposes as part of the instruction in an enology or brewing degree program, and the beer or wine remains in the control of the instructor.
- The alcoholic beverage is for use during a non-college event at a performing arts facility built on district property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- The alcoholic beverage is wine that is for use during an event sponsored by the district: or Gavilan Educational Foundation in connection with the district’s instructional program in viticulture or the district’s instructional program in enology.
- The alcoholic beverage is for use at a professional minor league baseball game played at a college stadium pursuant to a contract between the district and a professional sports organization.
- The alcoholic beverage is possessed, consumed, or sold pursuant to a license or permit obtained for special events held at the facilities of a public community college during the special event. “Special event” means events that are held with the permission of the governing board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which principal attendees are members of the general public or invited guests and are not full-time students of the public community college.
- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the district or Gavilan College Educational Foundation at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.
• The alcoholic beverage is for use during a fundraiser held to benefit Gavilan College Educational Foundation that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.

ALCOHOL ON CAMPUS

ABC-221 (Special Daily License to Serve Beer and Wine" must be filled out.
• ABC-certified pourers must be available at event. Four-hour training from the ABC office in San Jose is available (no fee) at 100 Paseo de San Antonio, room 119, San Jose, CA 95113 (408) 277-1200. Call ahead to schedule and have an estimate number of people attending event. Once certification is received, it is valid indefinitely.
• Gavilan College Director of Security acknowledgement indicating adequate security will be available on campus during the event must accompany application
• Sheriff's Office approval must accompany application

Once form comes back from Sheriff's Office, completed paperwork is sent to ABC. The ABC requires no less than two weeks' notice before the event.
Application for Permit to Serve Alcoholic Beverages

Applicant and Sponsoring Organization ____________________________

Date of Application __________________ Date of Event____________________

Location of Event __________________ Time of Event _____________________

Type of Alcoholic Beverages to be Served ____________________________

Serving Hours ___________________ Food Served _________________________

Number of People attending ___________ Faculty _ Staff _ Other (specify): ___

Alcohol Beverage Control Permit Completed: YES (attached) / NO

ABC-Trained Pourers: YES (attach copy of ABC card) / NO

ABC Training: 100 Paseo de San Antonio, Room 119, San Jose, CA (408)277-1200

Adequate Campus Security Available: YES (attach Security acknowledgement) / NC

Sponsor Representative Signature ___________________ Date _______________

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OFFICIAL USE ONLY

Permission Denied ________________ Permission Granted___________________

Permission Granted with Conditions: ______________________________________

________________________________________

Steven M. Kinsella, Superintendent/President Date _________________

PLEASE NOTE: After Gavilan College permission is granted, applicant must obtain approval from Sheriff’s Office and send completed paperwork to ABC no less than two weeks before event. A copy of the approved ABC license must be filed in the President’s Office.
AP 3720  Computer and Network Use

Reference:
17 U.S.C. Sections 101 et seq.;
Penal Code Section 502, Cal. Const., Art. 1 Section 1;
Education Code Section 70902;
Government Code Section 3543.1(b)
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

The District Computer and Network systems are the sole property of Gavilan Joint Community College District. They may not be used by any person without the proper authorization of the District. The Computer and Network systems are for District instructional and work related purposes only.

This procedure applies to all District students, faculty and staff and to others granted use of District information resources. This procedure refers to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all computer and computer communication facilities owned, leased, operated, or contracted by the District. This includes personal computers, workstations, mainframes, minicomputers, and associated peripherals, software and information resources, regardless of whether used for administration, research, teaching or other purposes.

Conditions of Use
Individual units within the District may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines and/or restrictions.

Legal Process
This procedure exists within the framework of the District Board Policy and state and federal laws. A user of District information resources who is found to have violated any of these policies will be subject to disciplinary action up to and including but not limited to loss of information resources privileges; disciplinary suspension or termination from employment or expulsion; and/or civil or criminal legal action.

Copyrights and Licenses
Computer users must respect copyrights and licenses to software and other on-line information.

- **Copying** - Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

- **Number of Simultaneous Users** - The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

- **Copyrights** - In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly
attributed. Plagiarism of computer information is prohibited in the same way that plagiarism of any other protected work is prohibited.

**Illegal Distribution of Copyrighted Materials**
- Gavilan College will publish bi-annually in the Schedule of Classes the college's policies related to illegal distribution of copyrighted materials. A summary of penalties for violation of both Federal copyright laws and local policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken will be included.
- Gavilan College students are prohibited from using the College’s computers and information network to illegally download or share music, video, and all other copyrighted intellectual property. Gavilan College supports the Higher Education Opportunity Act and Digital Millennium Copyright Act, including efforts to eliminate the illegal distribution of copyrighted material.
- Illegal forms of downloading and file sharing as well as the unauthorized distribution of copyrighted materials are violations of the law and Board Policy as contained in the Standards of Student Conduct and may subject a student to academic and/or disciplinary sanctions from the college as well as criminal and civil penalties, including a lawsuit by the Recording Industry Association of America (RIAA).
- The college has developed policies and consequences to ensure that students and employees are properly utilizing the district's computer resources.

**Integrity of Information Resources**
Computer users must respect the integrity of computer-based information resources.

- **Modification or Removal of Equipment** - Computer users must not attempt to modify or remove computer equipment, software, or peripherals that are owned by others without proper authorization.
- **Unauthorized Use** - Computer users must not interfere with others access and use of the District computers. This includes but is not limited to: the sending of chain letters or excessive messages, either locally or off-campus; printing excess copies of documents, files, data, or programs, running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.
- **Unauthorized Programs** - Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive program will result in disciplinary action as provided in this procedure, and may further lead to civil or criminal legal proceedings.

**Unauthorized Access**
Computer users must not seek to gain unauthorized access to information resources and must not assist any other persons to gain unauthorized access.

- **Abuse of Computing Privileges** - Users of District information resources must not access computers, computer software, computer data or information, or networks without proper
authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. For example, abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computing privileges.

Reporting Problems - Any defects discovered in system accounting or system security must be reported promptly to the appropriate system administrator so that steps can be taken to investigate and solve the problem.

Password Protection - A computer user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others without permission of the system administrator.

Usage
Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to the system or to another person's information are a violation of District procedure and may violate applicable law.

Unlawful Messages - Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state or other law or District policy, or which constitute the unauthorized release of confidential information.

Commercial Usage - Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions.

Information Belonging to Others - Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, or passwords belonging to other users, without the permission of those other users.

Rights of Individuals - Users must not release any individual's (student, faculty, and staff) personal information to anyone without proper authorization.

User Identification - Users shall not send communications or messages anonymously or without accurately identifying the originating account or station.

Political, Personal and Commercial Use - The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state and local laws regarding sources of income, political activities, use of property and similar matters.

Political Use - District information resources must not be used for partisan political activities where prohibited by federal, state or other applicable laws.

Personal Use - District information resources should not be used for personal activities not related to appropriate-District functions, except in a purely incidental manner.

Commercial Use - District information resources should not be used for commercial purposes. Users also are reminded that the "cc" and "edu" domains on the Internet have rules restricting or prohibiting commercial use, and users may not conduct activities not appropriately authorized within those domains.

Nondiscrimination
All users have the right to be free from any conduct connected with the use of Gavilan Joint Community College District network and computer resources which discriminates against any person on the basis of race, religion, creed, color, national origin, ancestry, disability, sex (i.e., gender), marital status, sexual orientation. No user shall use the
District network and computer resources to transmit any message, create any communication of any kind, or store information which violates any District procedure regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

**Disclosure**

*No Expectation of Privacy* - The District reserves the right to monitor all use of the District network and computer to assure compliance with these policies. Users should be aware that they have no expectation of privacy in the use of the District network and computer resources. The District will exercise this right only for legitimate District purposes, including but not limited to ensuring compliance with this procedure and the integrity and security of the system.

*Possibility of Disclosure* - Users must be aware of the possibility of unintended disclosure of communications.

*Retrieval* - It is possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.

*Public Records* - The California Public Records Act (Government Code Sections 6250 et seq.) includes computer transmissions in the definition of "public record" and nonexempt communications made on the District network and or computers must be disclosed if requested by a member of the public.

*Litigation* - Computer transmissions may be discoverable in litigation.

**Dissemination and User Acknowledgment**

All users shall be provided copies of these procedures and be directed to familiarize themselves with them.

A "pop-up" screen addressing the e-mail portions of these procedures shall be installed on all e-mail systems. The "pop-up" screen shall appear prior to accessing the e-mail network. Users shall sign and date the acknowledgment and waiver included in this procedure stating that they have read and understand this procedure, and will comply with it. This acknowledgment and waiver shall be in the form as follows:

**Computer and Network Use Agreement (Sample Language)**

I have received and read a copy of the District Computer and Network Use procedures and this Agreement dated, ____________________, and recognize and understand the guidelines. I agree to abide by the standards set in the Procedures for the duration of my employment and/or enrollment. I am aware that violations of this Computer and Network Usage Procedure may subject me to disciplinary action, including but not limited to revocation of my network account up to and including prosecution for violation of State and/or Federal law.

Amended: November 14, 2006, November 10, 2009
Approved by the Board of Trustees: December 11, 2001
AP 3900  Speech: Time, Place, and Manner

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 Cafeteria.

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 physically 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 taking place at that time.
-  Persons using the areas reserved for expressive activities shall not disrupt the orderly operation of the college.

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. Those persons distributing printed material must, prior to their departure from the areas that day, make reasonable efforts to retrieve, remove or properly discard material that is 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.

Approved by the Board of Trustees: August 14, 2012