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Policies and procedures are subject to Board review and may change without notice. Students are invited to review current policies and procedures by visiting the Gavilan College website at www.gavilan.edu.

Revision of Administrative Regulations

Any regulation issued by the administration of the college shall have the same force as those printed in the catalog and shall supersede, after notice has been given, any ruling on the same subject which may appear in the printed catalog or other official bulletins of the college.

AIDS/HIV

"The Gavilan Joint Community College District is committed to providing a safe as well as fair, sensitive and nondiscriminatory environment which is in compliance with Federal, State and local restrictions. The Gavilan Joint Community College District will treat all employees and students equally without regard to their HIV-antibody status or the presence of AIDS disease. An individual with AIDS, or who tests positive for the HIV antibody, will not be denied employment or enrollment for instruction in the district as long as he/she is able to perform in accordance with the respective standards of each position. The District will not deny a person who has AIDS, or tests positive for the HIV antibody, any benefits to which he/she is eligible. Persons with AIDS, or who are perceived to have such conditions, are considered protected under state and federal law and shall be provided with accommodations necessary to meet their disability-related needs. A student with AIDS may be served through state-funded Disability Resource Center if the condition imposes functional limitations that impede access to the educational process. The medical records of a student are confidential and such information may not be related without the written consent of the individual, except as provided by law.

There is no medical necessity to advise co-workers or students of the presence of a person with AIDS or a positive HIV-antibody test. Persons with AIDS or a positive HIV-antibody test result shall not be denied equal access to student unions, cultural or athletic events, dining areas, gym-

nasium, swimming pools, recreation facilities, or other common areas. Persons with AIDS or a positive HIV-antibody test result shall be given assistance in obtaining referrals to appropriate medical care and counseling.

The Gavilan College Child Development Center shall follow guidelines developed by the Centers for Disease Control for education and care of children with AIDS or a positive HIV-antibody test result.

The Gavilan College Vice President of Student Services shall move quickly and effectively to deal with any incident of harassment or psychological or physical abuse inflicted on students or employees who may have or are suspected to have AIDS or a positive HIV-antibody test. The coordinator of Student Health Services will serve as a spokesperson to answer questions about its AIDS policies and will be prepared to address the social questions, civil rights issues, and public health considerations. (Personnel, Section 3.03)

Children on Campus

Reference: AP 6800

Gavilan College welcomes children to our campus when they are enrolled in course offerings or are accompanied by a parent, legal guardian, or adult caregiver and under appropriate supervision. Our facilities are open to the public, a situation which might present risks to children. It is the College's goal to maintain a safe and welcoming environment for both children and adults.

The following guidelines exist:

- A child not yet in high school must be under the supervision of an adult who assumes responsibility for him or her unless the child is officially enrolled/participating in a Gavilan course or program.
- Except in situations where young people are officially enrolled/participating, parents, guardians and adult caregivers are responsible for being with children at all times and must monitor all activities and behavior of their children while on campus.
- Any child found unattended will be reported to the Gavilan Security Office and/or the Sheriff's Department.
- Adult students and employees should plan for childcare as children are not intended to be a part of the classroom learning environment or workplace at Gavilan College.

Computer Use

Reference: BP 3720

Employees and students who use District computers and networks and the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others. The President of the College shall establish procedures that provide guidelines to students and staff for the appropriate use of information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

Copyrighted Materials

Reference: AP 3720

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).

Disabilities

SERVICES FOR STUDENTS WITH DISABILITIES

The Disability Resource Center (DRC) provides services and classes that equalize educational opportunities for students with disabilities as they move toward their educational or vocational goals.

Students requiring academic or physical accommodations because of visual, physical, learning and/or other verified disabilities should contact the DRC at (408) 848-4865.

Services include note taking, academic, career and vocational counseling, referral services, learning skills evaluation, vocational classes, specialized tutoring, registration assistance, mobility assistance, vocational preparation and job placement, test taking facilitation, sign language interpreting, real-time captioning, job coaching, assistive computer technology and training and alternate media services.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

If you have a verified disability and need academic materials in an alternate format or other services, contact the Disability Resource Center at (408) 848-4865 or the Vice President of Student Services for assistance.

Discrimination

NON-DISCRIMINATION

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

PROHIBITION OF HARASSMENT AND HATE CRIMES

Reference: Education Code sections 212.5; 66252; 66281.5

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. It shall also be free of other unlawful harassment and hate crimes, including those which are based on any of the following statuses; race, color, religion, ancestry,

national origin, disability, sex (i.e., gender), sexual orientation, or the perception that a person has one or more of the foregoing characteristics.

TITLE VI, TITLE IX AND AMERICANS WITH DISABILITIES ACT/ SECTION 504/508

To file complaints in the following areas please contact the Equal Opportunity Officer, Joseph D. Keeler, Vice President of Administrative Services, HR 101 (408-848-4731) or the Director of Human Resources, HR103 (408-848-4753).

The areas are:

- Civil rights complaints (Title VI)
- Gender equity, sex discrimination/harassment complaints (Title IX)
- Persons with disabilities discrimination complaints (ADA/Section 504/508)

Drug Free Schools and Campuses Act

District Policy AP 3550 prohibits “the use, distribution, sale or possession of alcohol, narcotics, dangerous or illegal drugs or other controlled substances, as defined in California statutes, on District property or at any function sponsored by the District of colleges.” Gavilan College complies with the Drug-Free Schools and Campuses Act of 1989 and the Drug-Free Workplace Act of 1988.

The college recognizes the legal drinking age of 21 years and enforces all state laws regulating the use of alcoholic beverages. All members of the campus community are subject to disciplinary action and/or criminal prosecution for the on-campus possession, use, sale or distribution (by either sale or gift) of any quantity of inappropriate prescription drugs, or controlled substances as defined by the State of California Health and Safety Code. Students found to be in violation of this policy may be subject to the Standards of Student Conduct and Discipline Procedures. Any District employee who violates these laws is subject to prosecution by civil authorities and disciplinary action by the District.

Family Educational Rights and Privacy

Gavilan College is in compliance with the Federal Education Rights and Privacy Act of 1974 as amended (sometimes called the Buckley Amendment) and California Title V regulations (SB 182). The following is in effect:

1. Official academic, discipline, and other necessary records are maintained on all students who have applied to attend Gavilan College.
2. Official records are maintained by and in the Admissions and Records Office.
3. Official records will be released only on written request or written permission of the student and upon payment of any and all fees and charges due the college, except as provided by law.
4. The following directory information may be released by Gavilan College without written consent of the student:
 - a. name of student
 - b. dates of enrollment/attendance at Gavilan College
 - c. date of graduation and degree or certificate awarded.

The release of any further information will require written permission of the student, except as provided by law. Students may notify the Admissions and Records Office in writing within the first week of each term that such information indicated in (a), (b), and (c) above is not to be designated as directory information with respect to that student.

5. Students have the right to review their own records. Challenges to these records are required in writing to the Vice President of Student Services. Challenges will be acted upon by the Vice President, and action will be filed with the student's records, but not released with said records. In the case of disagreement, the Students' Problem Resolution Process of the college will be followed.

Copies of the complete Federal and State Regulations and the Students' Problem Resolution Process are available through the Admissions and Records Office and may be reviewed by students by appointment with the Vice President of Student Services or Director of Admissions and Records. The Students' Problem Resolution Process is available in the appendix of this catalog, online and in the Student Rights, Responsibilities and Academic Standards booklet available through the office of the Vice President of Student Services.

Open Enrollment

Reference: Title V, sections 58106, 58108

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

Parking

There are two types of campus parking permits - daily and semester. Daily parking permits are available from machines located near each entrance to the campus. Semester permits are purchased from Admissions and Records during registration and throughout the year. No parking fees are charged at the Morgan Hill or Hollister sites.

Student parking is permitted on campus in designated areas only. Traffic rules and regulations are available from the Gavilan College Security Department. Parking regulations are strictly enforced and tickets are issued for violations. The California Vehicle Code applies to all vehicles on campus and is enforced by local law enforcement and campus security.

Photography, Video and Audio Recordings

Audio, video, and photographic recording of classes or meetings may only be done with the consent of faculty or staff responsible for the classes or meetings.

Posting Policy

Reference: AP 5550

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

Sexual Assault

Sexual assault can happen to anyone, anywhere and at anytime. Gavilan College is committed to providing a safe environment for students and staff. Reports of sexual misconduct will be thoroughly investigated and the victim informed of the outcome. If you, or someone you know, have been the victim of sexual assault, notify Campus Security at (408) 710-7490. Confidential counseling is available on campus through Counseling at 848-4723 or Student Health Services at 848-4791. Off campus confidential counseling is available at Community Solutions crisis line: 1-877-363-7238.

Smoke-Free Buildings

Reference: Education Code BP 6500

Smoking is permitted only in designated areas. Smoking is prohibited inside all buildings. Smoking is also prohibited in all college-owned vehicles. Tobacco products shall not be sold on campus either through vending machines or campus establishments. Implementation of the campus smoke-free environment policy will be the responsibility of every student, faculty member, staff person and visitor on campus.

Transcripts

Transcripts of a student's permanent academic record are released only with written authorization of the student. Telephone and email requests are not accepted. The first two copies are free. Additional copies may be ordered for a fee.

Vocational English Skills

Limited English language skills will not be a barrier to admission to and participation in vocational education programs.

Withholding Records for Non-Payment of Financial Obligations

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

Authority of Instructors

Gavilan College instructors have full authority in their classrooms. Every student is expected to attend classes and to satisfy the instructor that the work of the course is being performed in a systematic manner.

Students whose classroom behavior is inappropriate may be removed from the class for the day of the removal and the next class meeting (See Student Discipline Procedures on page 13 of this catalog.) Any student who refuses to leave a classroom when requested to do so by the instructor or an administrator of the college is subject to disciplinary action.

Students who feel that an instructor's authority has been misused may seek due process by initiating the Student's Problem Resolution Process.

Academic Honesty

Reference: Education Code Section 66300, AP5500

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

Students at Gavilan College have the right to know what constitutes academic honesty at the college and in each course in which they are enrolled.

- Faculty members will apprise their classes of the ethical standards required in their courses and the permissible procedures in class work and examinations.
- A statement referring to this policy as a reference for the class will be presented in the course outline (green sheet)* and/or on the individual examinations.
- Students will be informed of the consequences of violating these standards, their rights of appeal, and the procedures to be followed in the appeal.

ACADEMIC HONESTY PROCEDURES *Reference: BP 5500*

The purpose of this procedure is to expand, clarify, and set forth clear levels of authority and disciplinary protocols in response to violations of the Standards of Student Conduct, specifically as it relates to academic honesty. These procedures guarantee the student or students involved the due process rights extended to them by state and federal constitutional protections. The procedures will be used in a fair and equitable manner, and not for purposes of retaliation.

Definition of Academic Dishonesty: The act of deliberately exhibiting a set of unacceptable behaviors that defy ethical and scholarship standards. Examples include but are not limited to:

- Purposely allowing another student to copy from another student during a test.
- Giving homework, term paper or other academic work to another student to plagiarize.
- Having another persons work submitted in another's name.

- Lying to an instructor or college official to improve a grade.
- Altering graded work after it has been returned, then submitting the work for re-grading (without knowledge of the instructor).
- Removing test(s) from classroom or any other place without instructor's approval.
- Stealing tests or keys to tests.
- Forging signatures on drop/add slips or other college documents.

Definition of Cheating: The act of obtaining or attempting to obtain credit for academic work through any dishonest, deceptive, or fraudulent means. Examples include, but are not limited to:

- Copying, in part or in whole, from another's test or other evaluation instrument or obtaining answers from another person during the test without instructor's approval.
- Submitting work previously presented in another course, if contrary to the written rules of the course.
- Using or consulting, during an examination, sources or materials not specifically authorized by the instructor.
- Intentionally altering, changing, misusing documents or records. Knowingly furnishing false information or generally interfering with grading procedures or instruction of a class.
- Any other act committed by student(s) in the course of academic work, which defrauds or misrepresents, including aiding or abetting, in any of the actions defined above.

Definition of Plagiarism: The act of incorporating the ideas, words, sentences, paragraphs, or parts thereof, or the specific substance of another's work without giving appropriate credit, and representing the product as one's own work. An example can include, but is not limited to:

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

REPORTING PROCEDURES

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

1. Arrange an office conference with the student and at that time advise the student of the allegations and make him or her aware of the supporting evidence and the probable consequences. Any classroom confrontation should be as discreet as possible. If, as a result of this meeting, the instructor believes that the student's response is insufficient to offset the charge of academic dishonesty to the extent that the student may be excused, the instructor will inform the student of the sanctions to be recommended or assessed in accordance with this policy.
2. At the discretion of the instructor, a written report of the infraction and the sanction taken may be submitted to the Vice President of Instruction with a copy to the appropriate area Dean.

3. When a student, who has been informed of an impending conference to discuss the alleged dishonesty, fails to attend, or when the apparent dishonesty is detected near the end of the semester and the instructor makes a good faith effort to contact the student but is unable to do so, the instructor may impose the recommended sanctions and file a written report to the area Dean and Vice President of Instruction without a conference. In either case, the student's right to appeal is preserved.

SANCTIONS

There shall be two major classifications of sanctions that may be imposed for Academic Honesty violations: Academic and Administrative. The imposition of one variety of sanction (Academic or Administrative) will not preclude the addition of the other.

- Academic sanctions will be defined as those actions related to coursework and grades. Faculty are responsible for the type of academic sanction to be applied to students involved in incidents of cheating or plagiarism. Usually a form of "grade modification" will be employed.
- Administrative sanctions concern a student's status on campus and are acted on by the Vice President of Instruction.

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

Academic Sanctions: Before sanctions can be employed, the faculty member must have verified the instance(s) of academic dishonesty by personal observation and/or documentation. In all cases the violation should be reported to the area Dean. A student may be:

1. Reprimanded orally. A student may be referred for counseling but cannot be required to seek counseling.
2. Failed in the evaluation instrument (paper or exam).
3. Reduced course grade, including possible failure of course.
4. Referred for administrative sanctions. A faculty member may choose to refer a student to the Vice President of Instruction for disciplinary action in lieu of any academic sanction or in addition to the academic action the faculty member has taken.

Administrative Sanctions: As stipulated in the California Administrative Code, Sanction 41301, cheating or plagiarism in connection with an academic program at a campus may warrant expulsion, suspension, probation or a lesser sanction. Administrative action involving academic dishonesty at Gavilan is the responsibility of the Vice President of Instruction according to the Standards of Student Conduct (Student Discipline Procedures, AP5520). The Vice President of Instruction will notify faculty members involved when action has been taken.

The Vice President of Instruction will respond to:

1. referrals from the faculty
2. flagrant violations of academic standards; and
3. repeat violations as brought to his/her attention by the faculty or through the student reports filed with the Vice President of Instruction.

PROTECTION OF RIGHTS

Nothing in this procedure is intended to deny students who come within its scope appropriate "due process". Students have the right to be informed of the charges, the nature of the evidence supporting the charges, and to have a meeting with the faculty member, Vice President of Instruction, or other decision-makers. Students have the right to appeal any decision resulting from such a meeting.

1. Academic sanctions may be appealed through the Vice President of Instruction in accordance with the Students' Problem Resolution Process.
2. Administrative sanctions resulting in disciplinary suspension or expulsion can be appealed through the Student Discipline Procedures. (Student Discipline Procedures, AP5520) (Education Code 66017).

Standards of Student Conduct

Reference: Education Code Section 66300 and BP 5500

Gavilan College is dedicated to promoting a harmonious learning and social environment characterized by mutual respect for all our students, staff and community. A student enrolling at Gavilan College assumes an obligation to act in a manner compatible with the college's function as an educational institution. Students and visitors are expected to obey all federal laws that pertain to behavior on a college campus or at a campus-sponsored event.

The following standards of conduct represent reasonable expectations of student behavior and violations 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 writing by the Superintendent/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 race, sex (i.e., gender), religion, age, national origin, disability or any other status protected by law.
10. 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.
11. Disruptive behavior, willful disobedience, habitual profanity or vulgarity or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
12. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
13. Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
14. Unauthorized entry upon or use of college facilities.
15. Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.
16. 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.
17. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

Students who engage in any of the above are subject to the procedures outlined in Student Discipline Procedures (Administrative Procedures 5520, Education Code section 66300, 72122, 76030.)

Student Discipline Procedures

Reference: Education Code Section 66300, 72122, 76030, AP5520

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct (BP5500). The procedure guarantees the student or students involved the due process rights extended to them by state and federal constitutional protections. The procedure will be used in a fair and equitable manner, and it is not extended to substitute for criminal or civil proceedings that may be initiated by other agencies.

In all disciplinary actions the student will be notified of the nature of the charges against him/her, that he/she is given a fair opportunity to refute them, and that the institution will not be arbitrary in its action.

DISCIPLINARY ACTIONS AND PROCEDURES

The type of sanction rendered for a violation of the Standards of Conduct shall be determined by the appropriate college officials or committee. Penalties are listed in the degree of severity, but not in chronological administration. They are:

1. Admonition: An oral statement to student offender who has violated college rules.

2. **Warning:** Notice to student, oral or in writing, that continuation or repetition of wrongful conduct may be cause for additional disciplinary action. Written warnings may be considered in the event of future violations.
3. **Reprimand:** Written statement of violation of a specified regulation including the possibility of more severe disciplinary action. Reprimands may be considered in the event of future violations.
4. **Disciplinary Action:** Exclusion from participation in privileges or extracurricular activities as set forth in the notice of disciplinary action.
5. **Restitution:** Reimbursement by the student for misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.
6. **Removal from Class:** [Education Code Section 76032] An instructor may remove a student from his/her class when the student has interfered with the instructional process. Duration will be for the day of the removal and the next class meeting.
 - a. Instructors must complete the Student Removal from Class form and submit the form to the area Dean.
 - b. The Dean shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Dean shall attend the conference.
 - c. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Dean from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.
7. **Summary Suspension:** A summary suspension is for the purpose of investigation. It is the means of relieving the campus of tension due to serious misconduct, removing a threat for the well-being of students, or removing a student or students whose presence would prevent the continued normal conduct of the college community. Summary suspension is limited to that period of time necessary to ensure that the investigation is accomplished. This summary suspension shall not exceed ten (10) school days.
8. **Disciplinary Suspension:** Exclusion from classes and other privileges or activities as set forth in the notice of suspension for definite period of time. Conditions for readmission will be stated in the notice of suspension.
 - A short term suspension is exclusion from one or more classes for a period of up to ten (10) consecutive school days.
 - A long-term suspension is exclusion from one or more classes for the remainder of the school term, or from classes and activities of the college for one or more terms.
9. **Expulsion:** Termination of student status for an indefinite period. The conditions of readmission, if permitted, shall be stated in the order of expulsion.

ADMINISTRATIVE CORRECTIVE MEASURES FOR MISCONDUCT

1. **Immediate Interim Suspension** [Education Code Section 66017]: The President of the College or designee may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases

where an immediate interim suspension has been ordered, the time limits contained in these procedures shall not apply. The right to a Disciplinary Appeal Hearing (when a long-term suspension or expulsion is recommended) will be afforded to the student within ten (10) school days of the disciplinary action.

2. **Withdrawal of Consent to Remain on Campus.** The Vice President of Student Services or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Vice President of Student Services a written report must be promptly made to the President of the College. The person from whom consent has been withdrawn may submit a written request for a Disciplinary Appeal Hearing within ten (10) school days of the withdrawal. The hearing will be conducted in accordance with the provisions of this procedure relating to Immediate Interim Suspensions. In no case shall consent to remain of campus be withdrawn for longer than twenty (20) school days from the date upon which consent was initially withdrawn. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. [Penal Code Section 626.4]

DISCIPLINARY APPEAL HEARING PROCEDURES

1. **Request for Hearing.** Within five (5) school days after receipt of the President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the President of the College or designee. Appeals are only heard for long-term suspensions and expulsions.
2. **Schedule of Hearing.** The formal hearing shall be held within five (5) school days after a formal request for hearing is received.
3. **Composition of the Hearing Panel.** The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.
4. **Selection of the Hearing Panel Members.** The President of the College, the President of the Academic Senate, and the ASB President shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The President of the College shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.
5. **Hearing Panel Chair.** The President of the College shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.
6. **Conduct of the Hearing.** The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins. A college representative who shall be the Vice President of Student Services shall present the facts supporting the accusation.

- a. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
 - b. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by substantial evidence that the facts alleged are true.
7. Representation. The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) school days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
8. Confidentiality. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) school days prior to the date of the hearing.
- a. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.
 - b. The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask people present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.
 - c. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.
9. Decision. Within ten (10) school days following the close of the hearing, the hearing panel shall prepare and send to the President of the College a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

APPEAL PROCESS AFTER HEARING PANEL DECISION

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

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

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

- The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122)
- The student shall be notified in writing, by registered or certified mail or by personal service, at least three (3) school days prior to the meeting, of the date, time, and place of the Board's meeting.
- The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.
- Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.
- The Board may accept, modify or reject the findings, decisions and recommendations of the President of the College and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Board shall be final.

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

A Student Rights, Responsibilities and Academic Standards Handbook provides a quick reference to many student policies and procedures.

Copies of this handbook are available at the office of the Vice President of Student Services, the Counseling Secretary's Office, the Morgan Hill and Hollister satellite locations and on the web at www.gavilan.edu/handbook/

Students' Problem Resolution Process

Reference: AP5530

Conflict and miscommunication are, unfortunately, a fact of life. Choosing how we deal with difficult issues becomes a personal choice we all must make.

In the educational environment, there are also times when a student and a college employee (faculty/teacher/instructor, support staff, or administrator) may have a problem or issue which needs some clarification and resolution. Therefore, Gavilan College has a procedure to help students address problems and work on solutions that hopefully benefit all the people involved.

The following process for resolving issues is called THE STUDENTS' PROBLEM RESOLUTION PROCESS and applies to specific situations on campus.

There are also times when the students' attempt to resolve problems must follow laws determined by the Federal Office of Civil Rights. These situations include alleged discrimination or harassment around race/ethnicity, sexual harassment, disability, religion, gender, color, national origin and age. If you feel you have experienced discrimination based upon any of these actions, you must follow a separate procedure available from the Gavilan College affirmative action officer. Consult with the staff at the office of the Vice President of Administrative Services located in HR 101.

The areas covered by the STUDENTS' PROBLEM RESOLUTION PROCESS can include an issue with a grade (within Education Code 76224 limitations), poor communication or negative behavior between you and a staff member, etc. We encourage you to speak with a counselor for assistance in clarifying your issues and understanding the correct process to follow.

If your problem is with a faculty member, you need to be aware of the concept and rights surrounding "academic freedom."

ACADEMIC FREEDOM

It shall be the policy of the college to maintain and encourage full freedom for its faculty, to teach, research and pursue knowledge subject to the applicable provisions of law.

In the exercise of this freedom the faculty member may, as provided in the U.S. and California Constitutions and other applicable laws, discuss his/her own subject or area of competence in the classroom, as well as any other relevant matters, including controversial matters, so long as she/he distinguishes between personal opinions and factual information.

Faculty shall be free from unlawful harassment or from unlawful interference or restrictions based on political views.

Faculty shall be free from any and all forms of electronic or other listening or recording devices, except with his/her express and non-continuing consent, except where allowed otherwise by law.

The Board shall not unlawfully inquire into, nor predicate any adverse action upon a faculty member's personal, political or organizational activities or preferences.

The Board shall not interfere with a faculty member's freedom of speech or use of materials in any teaching assignment, except as allowed by law.

The intent is to allow those activities protected by constitutional freedom of speech and other forms of academic freedom protected by the laws of the State

of California and the laws of the United States. (From the Gavilan College Faculty Contract, Article VII, Academic Freedom.)

The college also recognizes and understands the hesitation you may feel when considering addressing a problem with an instructor. You may fear that your grade in the class may suffer, you may later need to take another course from this instructor, or that "nothing will change, so why bother?"

Because of these perceptions, you may sometimes think it is not worth trying to clear up a misunderstanding or resolve a conflict. We hope that you do try to resolve any problems, as unresolved issues take energy away from other aspects of your life.

The basic premise of any problem-solving is that you must discuss the problem with the person who is directly involved. Although this is sometimes difficult, it is the best way to resolve a problem.

This PROBLEM RESOLUTION PROCESS also requires this first step.

Preparation for your problem-solving session includes asking yourself the following:

1. What was the specific behavior with which I have a problem?
2. How did this behavior make me feel?
3. What specific actions do I want to see as part of a possible resolution?

Too frequently our emotional reactions to an incident cloud the actual behavior to which we are reacting. These common reactions can also prevent us from clearly stating what we would like to have happen as a resolution.

You can work on identifying the problem alone or work through it with a counselor, staff member or friend. This preliminary thinking should help you present your concerns in a clear and concise manner.

STEPS FOR STUDENTS' PROBLEM RESOLUTION PROCESS:

The purpose of this procedure is to provide a prompt and equitable means to address complaints as applied to and regarding academic, administrative, and instructional matters relating to students, and including, but are not limited to, any complaints dealing with any certificated, classified, or management employee of Gavilan College.

The areas covered by this procedure can include, but is not limited to poor communication, or negative behavior between the student and a college representative. Students with issues regarding grades must be aware of the Education Code Section 76224 (a) which govern grievances relating to course grades. The code states: "When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the students' grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetence, shall be final".

This procedure is not appropriate for situations regarding alleged discrimination or harassment around race/ethnicity, sexual harassment, disability, religion, gender, color, national origin, and age (please refer to AP 5530).

This procedure guarantees to the student or students involved the due process rights guaranteed to them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of

retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

Step 1 Within ten (10) school days of an incident, a student must meet with the person with whom they have a problem. The student may bring another person of their choice (i.e., staff, friend, student) to the meeting. This person is not to speak for the student, but can provide support and quiet encouragement.

If the student is still dissatisfied, the student must notify the staff person that they will be taking the problem to the next step.

Step 2 Within ten (10) school days of Step 1, the student must meet with the department chairperson or supervisor of the person with whom they have the problem. The department chairperson or supervisor can ask the student, the students' supporter, and the staff member to meet together, or meet separately with the student and the staff person with whom there a problem. The department chairperson/supervisor can meet with the student again to discuss the problem, review what occurred at the previous meeting (Step 1) and discuss the students' proposed resolution. The student may bring to the meeting the same person from the first meeting to act as a supporter.

If the student is still dissatisfied, the student will move to Step 3 of the process.

Step 3 The student must meet with the dean of the related area within ten (10) school days of Step 2. This meeting will include the student, the department chairperson/supervisor, and the dean of the related area. During this meeting the outcomes of prior discussions will be reviewed and proposed resolutions discussed.

If the student is still dissatisfied, the student will move to Step 4 of the process.

Step 4 Within ten (10) school days of Step 3, the student must meet with the Vice President of the area. During this meeting the outcomes of prior discussions will be reviewed and proposed resolutions discussed.

If the student is still dissatisfied, within five (5) school days, the student must notify the Vice President with whom they met in step 4, that a hearing committee review is requested to resolve the issue. This request will be forwarded to the Superintendent/President of the College who, within five (5) school days from receiving the request, will convene a hearing committee at a time to be determined by the college President.

Step 5 Within five (5) school days after receiving a request, the Superintendent/President of the College will convene a committee to hear the issue.

This committee will be composed of:

- a) A student appointed by the ASB
- b) One faculty member from an unrelated discipline appointed by the Faculty Senate
- c) One faculty member appointed by the Counseling Department chairperson
- d) One member of the classified staff from an unrelated area appointed by the Professional Support Staff President
- e) One area Dean or vice president from an unrelated area appointed by the college Superintendent/President
- f) The department chairperson or supervisor from the area involved.

The Hearing Committee will conduct the hearing in private. They will call the student or related personnel if they think it will help resolve the problem. The committee will make recommendations for a win-win resolution and forward these recommendations to all the involved parties and the Superintendent/President of the College.

If either the student or the college staff member is not satisfied with the recommendations of the Hearing Committee, the next step in the process, an appeal, will follow. The student must request an appeal within five (5) school days after the Hearing Committee's recommendations were received by the student and the related college staff member. If not, the resolution process is closed and there is no appeal.

Step 6 An appeal may be made to the college Superintendent/President.

This step requires that the student or the other staff member involved write a letter outlining the action taken so far and the hoped-for resolution. The College Superintendent/President will review this letter and the recommendations from the Hearing Committee. She/he will schedule and hold a private meeting with the student to discuss and, hopefully, resolve the problem.

If the student or the staff member does not feel satisfied with the President's resolution, a final step may be taken.

Step 7 A written appeal may be made to the college's Board of Trustees.

The Board must respond in writing within thirty-five (35) school days of receiving the written appeal. This is the last step in the college's Problem Resolution Process. Decisions at this level are final.

COMPLAINT PROCESS NOTICE

Most complaints, grievances or disciplinary matters can be resolved at the campus level. This is the quickest and most successful way of resolving issues involving a California Community College (CCC). You are encouraged to work through the campus complaint process FIRST.

Issues that are not resolved at the campus level may be presented:

- to the Accrediting Commission for Community and Junior Colleges (ACCJC) at <http://www.accjc.org/complaint-process> if your complaint is associated with the institution's compliance with academic program quality and accrediting standards. ACCJC is the agency that accredits the academic programs of the California Community Colleges.
- to the CCC Chancellor's Office if your complaint does not concern CCC's compliance with academic program quality and accrediting standards by completing the web form at <http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>.
- to the Chancellor's Office website at <http://www.cccco.edu/ChancellorsOffice/Divisions/Legal/Discrimination/tabid/294/Default.aspx> if your complaint involves unlawful discrimination.

Nothing in this disclosure should be construed to limit any right that you may have to take civil or criminal legal action to resolve your complaints.