

## **BP 3100 Organizational Structure**

***Reference:***

***Education Code 72400***

The President of the College shall establish organizational charts that delineate the lines of responsibility and fix the general duties of employees within the District.

## **BP 3200 Accreditation**

***Reference:***

***Accreditation Eligibility Requirement 20, Standard 10.A.7***

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

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

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

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

**See Administrative Procedure #3200**

**Reference:*****Accreditation Eligibility Requirement 20, Standard 10.A.7***

## 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.

## **BP 3250 Institutional Planning**

**Reference:**

***Accreditation Standard 3; Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55250, 55400 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
- Facilities plan
- Faculty and staff diversity plan
- Student equity plan
- Matriculation
- Transfer Center
- Cooperative Work Experience
- EOPS

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**

## AP 3250 Institutional Planning

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 web site 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 is 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.

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**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 3280 Grants**

***Reference:***

***Education Code Section 70902***

The Board will be informed about all grant applications made and grants received by the District.

The President of the College shall establish procedures to assure timely application and processing of grant applications and funds, and that the grants that are applied for directly support the purposes of the District.

**See Administration Procedures #3280**

## **AP 3280 Grants**

**Reference:**

***Education Code Section 70902***

Grants provide additional funds for academic programs, student support services and administrative operations. Grants directly support the purposes of the district as contained in current planning documents such as the Strategic Plan and the Educational Master Plan. The college president must approve Grant opportunities in the early stages of the grant development process. The following guidelines apply:

- All grants must be coordinated with the college grant writer who has primary responsibility for grant development and obtaining required approvals.
- For new grants, the Gavilan College Grant Preliminary Approval Form must be submitted and approved prior to application development.
- For all grants (new and renewal), the final grant application, complete with all letters of support and other required documents, must be submitted to the appropriate vice president at least two weeks before the due date for review and submittal to the college president for approval.
- Because office space, staffing and college match requirements are often issues with grants, particular attention must be made to resolving these issues before obtaining appropriate approvals.

## **BP 3300 Public Records**

**Reference:**

*Government Code Sections 6250, et seq.*

The President of the College shall establish procedures for records management, including access by the public that complies with the requirements of the California Public Records Act.

**See Administrative Procedures #3300**

## AP 3300 Public Records

### Reference:

***Government Code Section 6250 et seq.***

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the Office of the President.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Office of the President may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff time to assemble the records and identify any records that may be exempt from disclosure.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Within ten days, the Office of the President will determine whether or not the records can be produced and will communicate the determination to the member of the public requesting the record(s).

The most common exemptions for community colleges include:

- Student records (Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))
- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Section 99150 et seq.]. (Government Code Section 6254(g).)

- The contents of real estate appraisals or engineering or feasibility estimates and evaluations...relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254(h).
- Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
- Home addresses and home telephone number of employees of a school District or county office of education (other than to an agent or family member of the employee, to an officer of another school District when necessary, to an employee organization, or to an agency or employee of a health benefit plan. (Government Code Section 6254.3)
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund ; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.

Amended by the Board of Trustees: September 12, 2006

Approved by the Board of Trustees: December 12, 2001

Approved by the Board of Trustees December 11, 2001

## **BP 3310 Records Retention and Destruction**

**Reference:**

***Title 5, Sections 59020, et seq.; Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45***

The President of the College shall establish administrative procedures to assure the retention and destruction of all District records, including electronically stored information as defined by the Federal Rules of Civil Procedure in compliance with Title 5. Such records shall include but not be limited to student records, employment records and financial records.

**See Administrative Procedure #3310**

Amended by the Board of Trustees: November 11, 2007

Approved by the Board of Trustees: December 11, 2001

Approved by the Board of Trustees December 11, 2001

# AP 3310 Records Retention and Destruction

## Reference:

***Title 5, Sections 59020, et seq.; Federal Rules of Civil Procedures, Rules 16, 26, 33, 34, 37, 45***

“Records” means all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer, and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure .

The Vice President of Administrative Services shall supervise the classification and destruction of all Administrative Services records and ESI, the Vice President of Student Services shall supervise the classification and destruction of all student records and ESI, and the Vice President of Instruction shall supervise the classification and destruction of all instructional records and ESI. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records and ESI.

Records shall be classified as required by Title 5 and other applicable statutes, federal and state regulations.

Records shall annually be reviewed to determine whether they should be classified as Class 1 – Permanent, Class 2 – Optional, or Class 3 – Disposable (as defined in Title 5).

Class 3 – disposable records shall be maintained for the period required by applicable law or regulation, but in any event shall be retained for at least three college years after the year in which they were originally created.

Destruction is by any method that assures the record is permanently destroyed, e.g. shredding, burning, pulping.

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees: December 11, 2001

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## **BP 3410 Non-discrimination**

### **Reference:**

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

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

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

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

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

### **See Administrative Procedure #3410**

Amended by the Board of Trustees : November 13, 2007

Amended by the Board of Trustees: February 8, 2005

Approved by the Board of Trustees December 11, 2001

# AP 3410 Nondiscrimination

## Education Programs

### Reference:

***Education Code Sections 66250 et seq.; 200 et seq; 72010 et seq.  
Accreditation Standard 1.6***

The District shall provide access to its services, classes and programs without regard to race, religion, creed, color, national origin, ancestry, disability or gender, marital status, or sexual orientation.

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

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes.

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.

## Employment

### Reference:

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

The District shall provide equal employment opportunities to all applicants and employees regardless of ethnicity/race, color, sex (i.e. gender), age, religion, marital status, disability, sexual orientation, national origin, status as a Vietnam-era veteran or ancestry

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

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

Amended: November 14, 2006

Approved by the Board of Trustees December 11, 2001

# BP 3430 Prohibition of Harassment, Sexual Violence and Hate Crimes

## **Reference:**

***Education Code Sections 212.5; 66252; 66281.5; 67385.7***

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.

Harassment and hate crimes based on any of the following statuses are prohibited and will not be tolerated: race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics.

Sexual harassment violates state and federal laws, as well as this policy, and will not be tolerated. It is also illegal to retaliate against any individual for filing a complaint of sexual harassment or for participating in a sexual harassment investigation, and retaliation constitutes a violation of this policy.

Sexual harassment is further defined as unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to or rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or education environment; or
- submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity.

In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the President of the College shall ensure that the institution undertakes education activities to counter discrimination and minimize and eliminate a hostile environment that impairs access to equal education opportunity [E. C. 66252]

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

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retaliatory acts by the District, its employees, students, and agents.

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

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

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

The District and President of the College will seek to prevent crimes involving hate, bigotry, and prejudice through appropriate education at all levels. The President of the College will establish procedures which ensure that training will be conducted for all staff which promotes campus harmony, appreciation for the value of human diversity, and respect for individual rights and dignity.

The President of the College will establish procedures to ensure that Gavilan College will immediately, or as soon as is practicable, report all incidents of hate crime to the appropriate local law enforcement agency.

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

Employees who violate the sexual harassment policy and procedures may be subject to disciplinary action up to and including termination.

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

**See Administrative Procedures #3430**

Amended by the Board of Trustees Oct. 10, 2006

Amended by the Board of Trustees Nov. 11, 2003

Approved by the Board of Trustees December 11, 2001

# AP 3430 Prohibition of Harassment and Sexual Violence and Hate Crimes

## **Reference:**

**Education Code Sections 212.5; 66281.5; 67385.7**

**Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.**

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

## Definitions:

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

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

This definition encompasses two kinds of sexual harassment:

- "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 sex 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.

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

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

- Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
- Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
- Visual or Written: The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- Environmental: An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings.

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

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 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. By definition, sexual harassment is not within the course and scope of an individual's employment with the community District.

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

### ***Academic Freedom***

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

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

### ***Complaint Procedure for Investigation and Resolution of Claims of Harassment***

#### ***Reference:***

#### ***Title 5, Section 59320***

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

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

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

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

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

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

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

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

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

- Advise the complainant that he or she need not participate in an informal resolution of the complaint, and that he or she may file a complaint with the Office of Civil Rights of the

U.S. Department of Education. The Vice President of Administrative Services shall also notify the Chancellor of California Community Colleges of the complaint.

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

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

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

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

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

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

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

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

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

The District shall also take reasonable steps to protect the complainant from further harassment and to protect the complainant from retaliation as a result of communicating the complaint. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties.

If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal.

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

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

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

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

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

### ***Dissemination of Policy and Procedures***

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

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file.

In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

### ***Training***

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

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

OR

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

### ***Procedure for Prevention and Resolution of Hate Crime Victimization***

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

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

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

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

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

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

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

**GAVILAN COLLEGE**  
**ALLEGED DISCRIMINATION/HARASSMENT COMPLAINT**

Gavilan Generated Form

**\*PLEASE PRINT\***

**NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
(Complainant) (of Alleged Discrimination)

**ADDRESS:** \_\_\_\_\_  
(Street or PO Box) (Zip Code)

**HOME PHONE:** (\_\_\_\_\_) \_\_\_\_\_ **MESSAGE:** (\_\_\_\_\_) \_\_\_\_\_

**COMPLAINT STATUS:** \_\_\_\_\_ Student \_\_\_\_\_ Management \_\_\_\_\_ Faculty  
\_\_\_\_\_ Classified \_\_\_\_\_ Job Applicant \_\_\_\_\_ Other (please specify) \_\_\_\_\_

**I WISH TO COMPLAIN AGAINST:** Name of person, college, or activity: \_\_\_\_\_

**Address:** \_\_\_\_\_  
(Street or PO Box) (City) (Zip Code)

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

- \_\_\_\_\_ Race/Ethnicity \_\_\_\_\_ Religion/Creed \_\_\_\_\_ Color \_\_\_\_\_ National Origin \_\_\_\_\_ Ancestry  
\_\_\_\_\_ Disability / Date Disability Disclosed \_\_\_\_\_ To Whom \_\_\_\_\_ Gender  
\_\_\_\_\_ Marital Status \_\_\_\_\_ Sexual Orientation \_\_\_\_\_ Sexual Harassment \_\_\_\_\_ Age

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES:** Persons who can provide information regarding this complaint.

**NAME** **ADDRESS** **PHONE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
(Signature of Complainant) (Date)  
(use additional paper if necessary)

\_\_\_\_\_  
(Signature of Person Helping Complainant Complete Complaint Form) (Date)

## **BP 3500 Campus Safety**

**Reference:**

***Education Code 67380(a)(4)***

The Board is committed to a safe and secure District work and learning environment. To that end, the President of the College shall establish a campus safety plan and ensure that it is posted or otherwise made available to students. The campus safety plan shall include availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

**See Administrative Procedure #3500**

## **AP 3500 Campus Safety**

### **Reference:**

***Education Code Section 212, 67380, 87014 ; Penal Code Section 245 ; 20 U.S.C. Section 1232g, 1292(f) ; 34 C.F.R. 668.46 ; 34 C.F.R. 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 no criminal acts of hate violence reported to campus authorities. A written report will be submitted to the Board.

Written records of no 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.

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees December 11, 2001

## **BP 3510 Workplace Violence Plan**

### **Reference:**

***Cal/OSHA: Labor Code §§ 6300 et seq; 8 Cal. Code Regs. § 3203; "Workplace Violence Safety Act of 1994" (Code of Civil Procedure § 527.8 and Penal Code §§ 273.6 and 12021)***

The Board is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence. The President of the College shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

**See Administrative Procedure #3510**

# AP 3510 Workplace Violence Plan

## Reference:

*Cal/OSHA; Labor Code Sections 6300 et seq.*

*Title 8, Section 3203*

*Code of Civil Procedure Section 527.8*

*Penal Code Sections 273.6; 626.9; 626.10; and 12021*

The Gavilan Joint Community College District is committed to providing a safe work environment that is free of violence and the threat of violence.

## Responding to Threats of Violence

The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action.

The following actions are considered violent acts:

- Striking, punching, slapping or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening or unwanted horseplay.
- Possession, use, or threat of use, of a firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his or her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his or her duties.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to his/her supervisor or other appropriate person.

- *Director, Security and Support Services* 408-848-4720
- *Vice President, Administrative Services* 408-848-4715
- *President of the College* 408-848-4712
- *Vice President, Instructional Services* 408-848-4760
- *Vice President, Student Services* 408-848-4730

No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, appropriate law enforcement personnel will be called.

## **BP Policy 3515      Reporting of Crimes**

**Reference:**

***Education Code Section 67380***

The President of the College shall assure that, as required by law, reports are prepared of all occurrences reported to campus security of and arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The President of the College shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

**See Administrative Procedure #3515**

## **AP 3515 Reporting of Crimes**

### **Reference:**

***Penal Code Section 245; Education Code Section 212; 87014  
Campus Security Act of 1990***

Whenever any employee of the District is attacked, assaulted or menaced by a student, the employee shall promptly report the attack or assault to the district security personnel. Any employee so assaulted or attacked shall notify his or her supervisor as soon as practical after the incident.

The supervisor of any employee who is attacked, assaulted or menaced shall assist the employee to promptly report the attack or assault to the district security personnel. The supervisor himself or herself shall make the report if the employee is unable or unwilling to do so.

The District shall annually collect and distribute statistics concerns crimes on campus. All college staff with significant responsibility for student and campus activities shall report crimes about which they receive information.

The District shall publish timely warnings to the campus community about crimes that are considered to represent a continuing threat to other students and employees. The information shall be disseminated by the Director, Security and Support Services in a manner that aids the prevention of similar crimes.

The District shall publish an annual security report that includes statements about campus law enforcement policies, campus security education and prevention programs, alcohol and drug policies, sexual assault education and prevention programs, procedures for reporting sexual assaults, and procedures explaining how sexual assaults will be handled.

## **BP 3520 Local Law Enforcement**

**Reference:**

***Education Code Section 67381***

The District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

**See Administrative Procedure #3520**

## **AP 3520 Local Law Enforcement**

**Reference:**

***Education Code Section 67381***

The District has a written agreement with local law enforcement agencies. The agreement clarifies operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement designates which law enforcement agency has operational responsibility for violent crimes and delineates the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by the Board policy are public records and are made available for inspection by members of the public upon request to the Vice President, Administrative Services.

## **BP 3530 Weapons on Campus**

**Reference:**

***Penal Code Section 626.7***

Firearms or other weapons shall be prohibited on any college or District center or in any facility of the District except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

**See Administrative Procedure #3530**

## **AP 3530 Weapons on Campus**

**Reference:**

***Penal Code Sections 626.9 and 626.10***

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or at any District center, or in any facility of the District.

Activities involving firearms or other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the Vice President, Administrative Services before taking place.

Any person who believes that he or she may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the Vice President, Administrative Services.

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his or her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his or her duties.

# BP 3540 Sexual and other Assaults on Campus

## Reference:

***Education Code Section 67382, 67385; 20 U.S.C. § 1092(f); 34 C.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 EC 67385, 67385.7 and 34 C.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**

Approved by the Board of Trustees December 11, 2001  
Amended by the Board of Trustees: November 13, 2007

# AP 3540 Sexual Assaults on Campus

## Reference:

### ***Education Code Section 67385***

Any sexual assault or physical abuse, including rape as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, 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, 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. All students, faculty members or staff members who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Director, Security and Support Services, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Director, Security and Support Services is authorized to release such information.

The Director, Security and Support Services shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the District's policy and procedure regarding sexual assault;
- A list of personnel on campus who should be notified of the assault, and procedures for such notification, if the alleged victim consents;
- Santa Clara Sheriff's Department
- A description of available services, which include 911 *services*, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
- 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;
  - tutoring, if necessary.

All alleged victims of sexual assault on District property shall be kept informed, through the Director, Security and Support Services, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim of sexual assault on District property, as defined above, 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.

All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the District's Public Information Officer, which shall work with the Director, Security and Support Services to assure that all confidentiality rights are maintained.

## **BP 3550 Drug Free Environment and Drug Prevention Program**

### **Reference:**

***Drug Free Schools and Communities Act, 20 U.S.C. Section 1145g and 34 C.F.R.***

***Section 86.1 et seq.;***

***Drug Free Workplace Act of 1988, 41 U.S.C. Section 702***

The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The President of the College shall assure that the District distributes annually to each student the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

**See Administrative Procedure #3550**

## **AP 3550 Drug Free Environment and Drug Prevention**

### **Reference:**

***Drug Free Schools and Communities Act Amendment, 1989 20 U.S. Code Section 1145g and 34 C.F.R. 86.1 et seq.; Federal Drug-Free Workplace Act, 1988, 41 U.S. Code Section 702***

The Gavilan Joint Community College District is committed to providing its employees and students with a drug-free workplace and campus environment. It emphasizes prevention and intervention through education.

### **Prohibition of Drugs**

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, activities or workshops, and in any facility or vehicle operated by the district.

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

As a condition of employment, employees must notify the District within five days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

## **BP 3710 Intellectual Property and Copyright**

### **Reference:**

***Education Code Sections 72207, 81459***

The President of the College is directed to develop appropriate administrative procedures to implement the provisions of the Education Code, which authorize the securing of copyrights in the name of the District to all copyrightable works developed by the District.

The procedures developed by the President of the College shall assure that the District may use, sell, give or exchange published materials and may license materials prepared by the District in connection with its curricular and special services.

In the development of these procedures, the President of the College shall solicit the input of the proper representatives of the college community in accordance with the District's policies regarding shared local decision-making.

**See Administrative Procedure #3710**

# **AP 3710 Intellectual Property and Copyright**

## **Reference:**

***Education Code Sections 72202; 81459***

## Employee Rights

All works developed by an employee pursuant to district directive, when district supplies or equipment are used, shall be the sole property of the district, including all rights of copyright for such works.

If an employee prepares, at other than his regular work time, material on his own initiative for use at the college, he may retain the copyright, privilege himself, even though incidental district supplies or equipment may have been used. The district, however, shall have the right to reproduce the material for district use without violating the copyright and without payment of any fees.

This policy shall not limit the right of an employee to copyright, sell, or grant a license for his works, which are produced outside his working hours and at no cost to the district.

## **BP 3720 Computer Use**

***Reference:***

***Education Code Section 70902; 17 U.S.C. Section 101 et seq.; Penal Code Section 502, Cal. Const., Art. 1 Section 1; Government Code Section 3543.1(b)***

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.

**See Administrative Procedure #3720**

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees December 11, 2001

# AP 3720 Computer and Network Use

## Reference:

***Education Code Section 70902; 17U.S.C. Section 101 et seq.; Penal Code Section 502***

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 within the 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 computer 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 10, 2009

Approved by the Board of Trustees December 11, 2001

## **BP 3810 Claims Against the District**

### **Reference:**

***Education Code Section 72502;  
Government Code Sections 900 et seq.; 910***

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place for service of claims, lawsuits or other types of legal process upon the District is:

The Office of the President  
5055 Santa Teresa Boulevard  
Gilroy, CA 95020

**See Administrative Procedure #3810**

## **AP 3810 Claims for Damages**

**Reference:**

***Education Code Section 72502; Government Code Sections 900 et seq.***

- Claim forms can be obtained from the Office of the Vice President, Administrative Services.
- Claim forms are to be returned to the Office of President of the College.
- The period within which the above-described claims must be presented to the Board, as a condition to suit thereon, shall be as follows:
- Claims for money or damages relating to a cause of action for death or for injury to person or to personal property shall be presented to the Board of Trustees not later than six months after the accrual of the cause of action.
- Claims for money or damages relating to any other cause of action shall be presented to the Board of Trustees not later than one year after the accrual of the cause of action, unless a shorter time period is provided by law.

## **BP 3820 Gifts**

**Reference:**

***Education Code Section 72122***

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

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

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

In no event shall the District accept a donation from any donor who engages in practices or policies, which discriminate against any person on the basis of race, sex (i.e., gender), color, religion, national origin, age, disability, or sexual preference; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

**See Administrative Procedure #3820**

## **AP 3820 Gifts**

**Reference:**

***Education Code Section 72122***

The Board reserves the right to refuse or accept any gift.

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

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

The President of the College shall be responsible for processing gift requests.