

BP 3050 Institutional Code of Ethics

Reference:

ACCJC Accreditation Standard III.A.13

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

See Administrative Procedure #2715 and #3050

AP 3050 Institutional Code of Ethics

Reference:

ACCJC Accreditation Standard III.A.13

Principles of Community approved by Board of Trustees, December 2012

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

Gavilan College aspires to be:

- *Diverse*
We embrace and celebrate diversity in all its forms (the heritage, achievements, uniqueness, and contributions of all our members) and seek to uphold an inclusive, open and enlightened community.
- *Open*
We believe free exchange of ideas requires mutual respect, trust and consideration for our differences.
- *Purposeful*
We are a community that maintains a shared commitment to service to society and advancement of knowledge through innovative teaching and learning.
- *Just*
We are committed to respect for individual dignity and equitable access to resources, recognition and security.

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

BP 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.

Organizational charts are to be updated no less than annually and will be included in the College's Final Budget each year.

BP 3200 Accreditation

Reference:

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

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

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

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

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

See Administrative Procedure #3200

Amended and Approved by the Board of Trustees: January 12, 2016
Amended and Approved by the Board of Trustees: November 10, 2014
Amended and Approved by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: December 11, 2001

AP 3200 Accreditation

Reference:

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

External Accreditation

A. Approval

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

B. Funding for accreditation

1. The year prior to any accrediting visitation and report preparation, the Accreditation Officer shall notify the appropriate administrator of the upcoming accreditation so that budget allocations may be requested in a timely fashion within regular budget procedures.
2. The Accreditation Officer shall provide estimates of expenses, including fees required by the accrediting agency, and travel expenses of the accreditation team.
3. The Accreditation Officer shall submit the request for funding through the regular budget proposal process. Payments will be made following standard college fiscal procedures.

C. Administrative supervision of the process

1. The accreditation officer shall report regularly to the President of the College regarding status of the application for accreditation, the date, time, and duration of the team visit, and the number of team members.
2. No later than one year prior to the self-study submission deadline, the Accreditation Officer shall submit the plan for the self-study process including timelines, tasks, responsibilities, organization, and structure. At least 2 months prior to the submission deadline, the Accreditation Officer, President's Council, and the Vice Presidents shall review a draft of the accreditation report. It shall then be submitted to the President of the College, who shall submit it to the Board.
3. The President of the College and other appropriate parties shall sign the self-study authorizing submission to the accrediting agency.
4. Meetings between team members and school officials shall be arranged as required by the accreditation agency and with the approval of the President of the College.

D. Recommendations of the accreditation team:

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

2. The Accreditation Officer shall submit a report describing actions taken or to be taken in response to recommendations in the accreditation report.
3. The Accreditation Officer shall submit appropriate requests through the usual process to secure funding, equipment, or services recommended by the accreditation report as appropriate.
4. The Accreditation Officer shall submit an annual report on progress on meeting recommendations.

Reviewed by the Board of Trustees: December 8, 2015
Reviewed by the Board of Trustees: October 14, 2014
Reviewed by the Board of Trustees: August 14, 2012
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BP 3225 Institutional Effectiveness

References:

Education Code Sections 78210 et seq., and 84754.6;
ACCJC Accreditation Standard I.B.5 - 9

The Board is committed to developing goals that measure the ongoing condition of the District's operational environment. The Board regularly assesses the District's institutional effectiveness.

AP 3225 Institutional Effectiveness

References:

***Education Code Sections 78210 et seq. and 84754.6;
ACCJC Accreditation Standards I.B.5 – 9***

NOTE: *This procedure is legally advised for the districts that receive funds under the Seymour-Campbell Student Success Act of 2012, Education Code Section 78210, et seq.*

The District shall develop, adopt, and publicly post goals that address all of the following: (1) accreditation status; (2) fiscal viability; (3) student performance and outcomes; and (4) programmatic compliance with state and federal guidelines.

The goals should be challenging and quantifiable, address achievement gaps for underrepresented populations, and align the educational attainment of California's adult population to the workforce and economic needs of the state.

BP 3250 Institutional Planning

Reference:

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

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

The planning system shall include plans required by law, including, but not limited to,

- Long range educational or academic master plan, which shall be updated periodically as deemed necessary by the Governing Board
- Facilities Plan
- Equal Employment Opportunity Plan
- Student equity plan
- Student Success and Support Program plan
- Transfer Center Plan
- Cooperative Work Experience Plan
- EOPS Plan

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

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

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

See Administrative Procedure #3250

AP 3250 Institutional Planning

References:

ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D. 5 ;

Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55250, 55080, 55190, et seq., 55510, 56270 et seq.

Strategic planning provides direction to the college and provides to students the best possible learning experiences, high quality support systems, and an environment promotes learning. Institutional research and effectiveness will be integrated with and supportive of all institutional planning. The mission, values, objectives and institutional student learning outcome goals will be available on the college 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 program 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, and institutional levels. They identify what the student has learned and is able to demonstrate after completing each level.

Program: Department, program or service at the college.

Program Plans: Program 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 program. Academic and student services programs also identify student learning outcome goals for their programs. Together the program 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: Program 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, program plan and the college budget. Budget Request Forms are updated each year along with the annual update of the program plans.

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

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

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

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

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

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

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

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

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

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

Approval Process: When the strategic planning committee conducts the yearly plan update, plans will be forwarded to the President's Council constituent groups and the board for review and comment. The president's council will then review and incorporate any comments, finalize

the plans, and then present them as a recommendation to the president. The plans will then be forwarded to the board with the president's recommendation for their review, modification and final approval. If required, the plans will then be sent to the state chancellor's office.

Reviewed by the Board of Trustees: December 8, 2015
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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

Grant Application:

Grant applications will be sought for projects and programs that are clearly aligned with the college's current Educational Master Plan and Strategic Plan.

For new (and renewing) grants, the Gavilan College Grant Preliminary Approval Form must be submitted to the Academic Senate for review and recommendations and the President's Council for approval prior to application development.

Two versions of the form will be made available. Form A will be for grants that have an application deadline that spans more than three months from original application announcement (RFAs) to final application deadline. Form B will be an expedited version of Form A for grants whose application timeline span from initial RFA date to application deadline is less than three months. If a grant qualifies for Form B, it can initiate application development prior to the approval of Form B by the President's Council.

Grant Preliminary Approval Form

Key issues to be addressed:

- a) impact on space--possible displacement of existing programs and/or staff;
- b) impact on staffing--identify primary positions to be created and/or reassign time allocated to existing staff;
- c) impact on institutional budget-- 50% law, institutional matching contributions, increase/decrease in enrollments, potential for adding to ongoing costs, restricted versus unrestricted funds; requirements for expending.
- d) Impact/connection of the grant to SLOs, Education, Facilities, Technology, Strategic Master Plan (s);
- e) Identified Manager for Grant (beyond administration) if any;
- f) **Impact on specialized categorical programs and non-categorical programs who have renewals and evaluation process regulated by outside agency.**

Application activity--Preliminary Approval Form and application development--will be coordinated by District administration in collaboration with all departments and/or programs directly affected or identified in the grant.

The Gavilan College Academic Senate will review and make recommendations to the President's Council on all application proposals.

The President's Council will review and make recommendations to the College President on all application proposals.

All Grant applications pursued (and received) will be available on the Gavilan College intranet for review.

Implementation:

All faculty, classified staff, or administrators employed in grant funded positions will be advised that they are not guaranteed employment beyond the expiration of the grant. Reassigned faculty and staff will return to pre-grant positions at the conclusion of the grant.

The hiring process for all grant-funded positions will follow institutional hiring processes. Where a full hiring process is not feasible (via formation of a hiring committee) hiring and/or allocation of reassigned time will be decided by an ad hoc group comprising a member of administration or designee, immediate supervisor for the position, and two faculty members from the program affected. As needed, leadership and managerial training will be provided for new hires to administrative and managerial positions.

During the implementation of the grant, grant and program administrators will provide frequent updates to affected programs and seek consent from affected programs when grant initiatives will create significant change to existing curricular or programmatic procedures. Grant and program administrators will also provide regular periodic updates to the campus as a whole.

Evaluation

Grant managers will provide a summary evaluation report to the Academic Senate a minimum of once per year; more often if requested.

Additionally, the Institutional Effectiveness Committee (I.E.C.) will advise programs undergoing review, that they are expected to include in their program review, evaluation and assessment data of effectiveness of grant funding received and any impacts to the program.

Institutionalization

Based on findings by the I.E.C. Program Review Process, recommendations by the Academic Senate and President's Council, a decision will be made regarding the following:

- a) How the grant has/or has not fulfilled its original intent;
- b) Which, if any, of the grants initiatives, i.e. programs, staffing, etc. will be integrated into the institutional (on-going) budget;
- c) Whether the grant should be applied for/renewed (if applicable).

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 Public Information Office.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Public Information Office 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 Public Information Office 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.
- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.

Reviewed by the Board of Trustees: May 10, 2016
Amended by the Board of Trustees: August 9, 2011
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: September 12, 2006
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

Reviewed and Approved by the Board of Trustees: June 14, 2016
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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.

Reviewed by the Board of Trustees: May 10, 2016
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BP 3410 Nondiscrimination

References:

Education Code Sections 66250 et seq. 72010 et seq., and 87100 et seq.;

Title 5, Sections 53000 et seq. and 59300 et seq.;

Penal Code Section 422.55;

Government Code Sections 12926.1 and 12940 et seq.

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements

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

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

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

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

See Administrative Procedure #3410

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Amended by the Board of Trustees: October 9, 2012
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: February 8, 2005
Approved by the Board of Trustees: December 11, 2001

AP 3410 Nondiscrimination

Nondiscrimination References for Education Programs:

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq. ;

Penal Code Sections 422.55 et seq. ;

Title 5 Sections 59300 et seq. ;

ACCJC Accreditation Eligibility Requirement 20 and

ACCJC Accreditation Standard Catalog Requirements

Education Programs

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

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

The District shall not prohibit any student from enrolling in any class or course on the basis of gender. Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

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

Nondiscrimination References for Employment :

Education Code Section 87100 et seq.;

Title 5; Section 53000 et seq.;

Government Code Sections 11135 et seq. and 12940 et seq.

Employment

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

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

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

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Reviewed by the Board of Trustees: November 14, 2006

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BP 3420 Equal Employment Opportunity

References:

Education Code Sections 87100, et seq.;

Title 5 Sections 53000 et seq.;

ACCJC Accreditation Standard III.A.12

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony and respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

AP 3420 Equal Employment Opportunity

References:

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
ACCJC Accreditation Standard III.A.12

The EEO Plan will be a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the State Chancellor's Office for review as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who participate on screening or selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- A process for gathering information and periodic, longitudinal analysis of the district's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001(i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below.
- To the extent data regarding potential job applicants is provided by the State Chancellor, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the State Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices, and;
- The Plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the Plan.

Annual Evaluation

- The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- An annual report to the State Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:
 - executive/administrative/managerial
 - faculty and other instructional staff
 - professional non-faculty
 - secretarial/clerical
 - technical and paraprofessional
 - skilled crafts; and
 - service and maintenance.
- The opportunity for each employee to identify his/her gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she identifies. However, the person may only be counted in one group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:
longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the State Chancellor, which may indicate significant underrepresentation of a monitored group.

EEO Advisory Committee

- That the District shall establish an EEO Advisory Committee; and
- That the advisory committee shall include a diverse membership whenever possible.
- The advisory committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

The responsibilities of the Committee shall include but not be limited to the following:

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- promote hiring of faculty who have, themselves, graduated from a community college;
- develop communications among departments to foster understandings of the Plan;

- to advise the Superintendent/President regarding special training or staff development needs;
- review the Plan and monitor its progress;
- recommend changes needed in the Plan; and
- review and approve the annual written report to the Superintendent/President, the Board of Trustees, and the State Chancellor's Office.

Employment Procedures

Job Analysis and Validation: The Director, Human Resources shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

Job Description: Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment: Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations.

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

Applicant Pools: The application for employment shall afford each applicant an opportunity to identify himself/herself voluntarily as to gender, ethnicity and, if applicable, his/her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Director, Human Resources or designee. All initial applications shall be

screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool must again be analyzed. If the Director, Human Resources or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District ***[may or shall]*** immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Screening and Selection: Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity.

- Hiring procedures will be provided to the State Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty, students, directors/confidential employees and classified staff members; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The EEO designated representative assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant underrepresentation persists:
 - review each locally-established job qualification to determine if it is job related and
 - consistent with business necessity;
 - discontinue the use of any non-job-related local qualification; and
 - continue using job-related local qualifications only if no alternative standard is reasonably available; and
- consider the implementation of additional measures designed to promote diversity.

Delegation of Authority

- The designation of a single person as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

Complaint Procedure

The District must identify to the public and to the State Chancellor’s Office an individual described in Title 5 as the “responsible District officer,” responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.

When a person brings charges of unlawful discrimination the officer must:

- Undertake efforts to resolve the charge informally;
- Advise the complainant that he/she need not participate in an informal resolution of the complaint;
- Notify the complainant of the procedures for filing a formal complaint;
- Notify the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.
- If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also forward a copy of the complaint to the State Chancellor’s Office.

A formal complaint not involving employment, must be processed if it is filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.

A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

The complaint must be filed by someone who alleges that he/she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his/her official capacity.

When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the State Chancellor’s Office that it is doing so.

When the investigation is done, the results must be set forth in a written report. The written report must 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.

In any case that does not involve employment discrimination, the District must provide the State Chancellor’s Office with a copy of the investigative report within 90 days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within 90 days from the date the District received the complaint. The State Chancellor’s Office and the complainant must also be provided with a

written notice setting forth the determination of the Director, Human Resources as to whether discrimination 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 Governing Board and the State Chancellor's Office.

In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the Director, Human Resources as to whether discrimination 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 the complainant's right to appeal to the District's Governing Board and to file a complaint with the Department of Fair Employment and Housing (DFEH).

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the governing board within 15 days from the date of the notice of the administrative determination. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within 45 days of receiving the appeal.

In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the State Chancellor's Office. The complainant must be notified of his/her right to appeal. In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his/her right to file a complaint with the DFEH.

Where the Board does not act within 45 days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the State Chancellor's Office, that the Board took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his/her right to appeal the District's decision to the State Chancellor's Office. In cases involving employment discrimination, the complainant shall be notified of his/her right to file a complaint with the DFEH.

In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the State Chancellor's Office within 30 days after the Board issues the final District decision, permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant pursuant to Section 59338(b) or (d), whichever is later.

The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the State Chancellor's Office may require.

Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No

person shall be denied employment because of ethnicity or race, color, sex or gender, gender identity, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the State Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the State Chancellor's Office determines that the District's policies are not in compliance with Title 5 Sections 59300 et seq., the State Chancellor's Office may require the District to modify its policies.

Accountability and Corrective Action

The District shall certify annually to the State Chancellor that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the district's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division.

BP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5, 44100, 66252, and 66281.5;
Government Code Sections 12940 and 12950.1;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, unpaid interns and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, unpaid intern, or volunteer who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

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

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

The Superintendent/President shall establish procedures that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and

procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, students, unpaid interns and, volunteers particularly when they are new to the institution. They shall be available for students, employees, unpaid interns, and volunteers in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measures up to and including termination from the internship or other unpaid work experience program.

See Administrative Procedures #3430 and #3435

Amended and Approved by the Board of Trustees: June, 14, 2016
Amended by the Board of Trustees: November 10, 2014
Amended by the Board of Trustees: October 9, 2012
Amended by the Board of Trustees: October 10, 2006
Amended by the Board of Trustees: November 11, 2003
Approved by the Board of Trustees: December 11, 2001

AP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5; 44100; 66281.5;

Government Code Section 12940

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

Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

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

Definitions

General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

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

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

is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

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

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

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in, the work or educational setting when:

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

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

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

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a

reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

Reviewed by the Board of Trustees: December 8, 2015
Reviewed by the Board of Trustees: October 14, 2014
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Approved by the Board of Trustees: December 11, 2001

AP 3435 Discrimination and Harassment Investigations

References:

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

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

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

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

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

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

The actual investigation of complaints may be assigned by the Vice President of Administrative Services to 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.

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

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

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

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

- The Vice President of Administrative Services;

- the Chief Student Services Officer, the Chief Instructional Officer and/or the Chief Human Resources Officer; and/or
- the State Chancellor's Office.

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

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

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

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

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

- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.
- Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant's right to appeal to the District's governing board, and if the complainant is a student, the right to appeal to the State Chancellor. If the complainant is an employee, the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain any other appropriate information.
- Provide the complainant and accused with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant and accused shall also be provided with a written notice setting forth the determination of the Vice President of Administrative Services as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties' rights to appeal to the District's Board of Trustees and the State Chancellor's Office. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused.

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

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

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

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

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

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

Discipline and Corrective Action

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

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

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

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

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

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

Appeals

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

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

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

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

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

Within 150 days of receiving a formal complaint, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to

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

Dissemination of Policy and Procedures

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

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

Training

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

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

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

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

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

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in

their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

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



Unlawful Discrimination Complaint Form

Name: _____
 Last *First*

Address: _____
 Street or P.O. Box *City* *State* *Zip*

Phone: *Day* (____) _____ *Evening* (____) _____

I Am A: Student Employee Other: _____

I Wish To Complain Against: _____

District: _____ **College:** _____

Date of Most Recent Incident of Alleged Discrimination: _____
(Nonemployment complaints must be filed within one year of the date of the alleged unlawful discrimination. Employment complaints must be filed within six months of the date of the alleged unlawful discrimination.)

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

- | | | |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Age | <input type="checkbox"/> Ethnic Group Identification | <input type="checkbox"/> Physical Disability |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Ancestry | <input type="checkbox"/> Mental Disability |
| <input type="checkbox"/> Race | <input type="checkbox"/> Sex/Gender (includes Harassment) | |
| <input type="checkbox"/> Color | <input type="checkbox"/> National Origin | <input type="checkbox"/> |
| *Retaliation | | |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Perceived to be in protected category or associated with those in protected category | |

Clearly state your complaint. Describe each incident of alleged discrimination separately. Attach additional pages as necessary. For each incident provide the following information:

- 1) Date(s) the discriminatory action occurred.

- 2) Name of individual(s) who discriminated.

3) What happened.

4) Witnesses (if any).

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

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

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

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

Signature of Complainant

Date

Send **Original** to the District, or:

Chancellor's Office, California Community Colleges
1102 Q Street
Sacramento, California 95811-6549
Attention: Legal Affairs Division

BP 3440 Service Animals

References:

The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.;
28 Code of Federal Regulations Part 35;
28 Code of Federal Regulations Part 36;
34 Code of Federal Regulations Part 104.44(b)

In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal or miniature horse in District facilities and on District campuses in compliance with state and federal law.

See Administrative Procedure #3440.

AP 3440 Service Animals

References:

Civil Code Sections 54 et seq.;
Penal Code Section 365.5;
The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.;
28 Code of Federal Regulations Part 35;
28 Code of Federal Regulations Part 36;
34 Code of Federal Regulations Part 104.44(b)

The District will allow an individual with a disability to use a service animal in District facilities and on District campuses in compliance with state and federal law.

The District will allow an individual with a disability to use a miniature horse as a service animal in District facilities and on District campuses if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and the District has determined, based on the assessment factors provided in this procedure, that a reasonable accommodation can be made.

The District will allow an individual with a disability to be accompanied by his/her service animal in all areas of the District's facilities where members of the public, invitees, clients, customers, patrons, or participants in services, programs or activities, as relevant, are allowed to go.

These procedures shall also be applicable to an individual who is training a service animal.

Service Animal Defined

A "service animal" for purposes of this procedure means any dog (or miniature horse, as provided herein) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Exceptions

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken.

If a service animal is excluded under one of these exceptions, the District will give the individual with a disability the opportunity to obtain goods, services, and accommodations or to participate in the service, program, or activity without having the service animal on the premises.

Assessment Factors for Miniature Horses

The District shall consider the following factors:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken; and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Control

The service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

Care or Supervision

The District is not responsible for the care or supervision of the animal.

Inquiries by the District

The District may make two inquiries to determine whether an animal qualifies as a service animal:

- Whether the animal is required because of a disability; and
- What work or task the animal has been trained to perform.

The District will not make either of these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

An individual may choose to produce a county service dog license or identification tag as proof that the animal is a service animal. Licensure or certification is not required in order to meet the definition of service animal under this procedure. There are no licensing or certification requirements for miniature horses.

No Surcharge

The District will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for damage caused by pets, an individual with a disability may be charged for damage caused by his or her service animal.

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

References:

Education Code Section 212, 67380, 87014;
Penal Code Section 245;
20 U.S. Code Sections 1092(f) and 1232g;
34 Code of Federal Regulations 668.46;
34 Code of Federal Regulations 99.31(a)(13), (14);
Campus Security Act of 1990

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

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

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

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

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

Reviewed by the Board of Trustees: December 8, 2015
Reviewed by the Board of Trustees: December 10, 2013
Reviewed by the Board of Trustees: August 14, 2012
Reviewed by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: December 11, 2001

BP 3501 Campus Security and Access

References:

***34 Code of Federal Regulations Part 668.46(b)(3);
ACCJC Accreditation Standard III.B.1***

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

See Administrative Procedure #3501

Amended and Approved by the Board of Trustees: August 8, 2017
Approved by the Board of Trustees: October 9, 2012

AP 3501 Campus Security and Access

Reference:

***34 Code of Federal Regulations Part 668.46(b)(3);
ACCJC Accreditation Standard III.B.1***

During business hours, the District will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all District facilities is by key, if issued, or by admittance via the Campus Security. In the case of periods of extended closing, the District will admit only those with prior written approval to all facilities.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic will have regular periodic security surveys. The Associate Vice President, Business & Security Services and the Director of Facilities Services and other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Vice President of Administrative Services, Associate Vice President, Business & Security Services and Director of Facilities meet to discuss issues of pressing concern.

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

BP 3505 Emergency Response Plan

References:

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

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

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

Compliance with NIMS and SEMS mandates include but are not limited to:

- Establishing disaster preparedness procedures or a plan; and
- Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
 - Training requirements vary based on job titles or assigned roles within the emergency plan

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

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

See Administrative Procedure #3505

Reviewed and Approved by the Board of Trustees: August 8, 2017
Approved by the Board of Trustees: October 9, 2012

AP 3505 Emergency Response Plan

References:

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

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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

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

Upon confirmation or verification by the District that a legitimate emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the District will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The District will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Security, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the campus community, the District has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages that can be sent to a phone or Personal Digital Assistant (individuals can sign up for this service on the District web site), public address system, phone calling trees, District website and emergency messages that scroll across computer screens when logged into the District's computer system. The District will post updates during a critical incident on the District web site at www.gavilan.edu. Individuals can call the District's recorded information telephone line at 408-852-2826 for updates.

The District's Public Information Officer will be responsible for the dissemination of emergency information to the larger community through cell phone alerts to student and staff, radio, TV alerts, campus email and the phone system.

TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

An evacuation drill is coordinated by the Associate Vice President, Business & Security Services once per year for all facilities on campus. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The District Security does not establish locations for evacuation in advance about the designated locations for evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Security and District staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

Evacuation drills are monitored by the Associate Vice President, Business & Security Services and District administration to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

The District conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. The Associate Vice President, Business & Security Services and District administration coordinate announced and unannounced evacuation drills once per year, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. For each test conducted, the District Associate Vice President, Business & Security Services will document a description of the exercise, the date, time, and whether it was announced or unannounced. The District will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

Overview

This Emergency Response Plan (ERP) provides direction in the event of an emergency. It is the goal and purpose of this plan to protect the safety and security of those associated with the District should an emergency occur. The effective use of this plan will help:

- Protect life and safety,
- Reduce property and environmental damage,
- Minimize disruption and economic losses, and
- Shorten the recovery period.

To ensure effective implementation of this plan, all personnel designated to carry out specific responsibilities are expected to know and understand the policies and procedures outlined in this document and other associated supporting documents.

The District's response to a major crisis will be conducted within the framework of this plan except when directed otherwise by the Superintendent/President or the Superintendent/

President's appointed representative. The plan includes a chain of command that establishes decision-making authority during an emergency.

Scope and Definitions

An emergency is defined as a sudden state of danger that occurs unexpectedly and that demands immediate action to protect the health and safety of individuals within the institution.

The following are examples of emergency situations:

- Bomb threat
- Earthquake
- Explosion
- Fire
- Hazardous materials spill/release
- Hostage situation
- Campus shooting
- Terrorist incident

Specific information about the District's response plan for a potential outbreak of flu-like illness (including H1N1) can be found [here](#). Other emergency procedures can be found [here](#).

Crisis Management Response Structure

In the event of an emergency, the Associate Vice President, Business & Security Services or designee will contact the Superintendent/President and Vice Presidents to report the emergency.

The above managers will convene (via conference call if necessary) and decide whether to declare a state of emergency, start the process of notifying the community and media if necessary, and review and discharge responsibilities as detailed in the plan (below). The Superintendent/President will convene the Emergency Response Team (ERT) and activate the Emergency Operations Center (EOC) if necessary to participate in the execution of the plan. The ERT consists of representatives from community safety, computer and information services, environmental health and safety, facilities services, public affairs, student services, residence life, health and counseling, human resources, conference and events planning, and food services.

Update and Drill

The ERT and designees will review and update this plan each year or more frequently, as needed. ERT members will practice emergency procedures on a regular basis and will obtain training or re-training as needed.

Emergency Response Team Responsibilities

The manner in which college personnel and equipment are utilized during an emergency will be determined by the ERT under the direction of the Incident Commander or his/her designee. The ERP will remain in effect until the Superintendent/President or his/her designee deems the college ready to return to normal operation.

Emergency Level Definitions and Responses

In all types of emergencies, once outside agencies arrive on the scene (i.e., Police Department, Fire Bureau, Emergency Management Agency personnel, etc.) these agencies will assume control of the operations. The ERT and EOC will act as resources to these responders.

The following definitions of emergency levels determine the type of response:

Level 1 Emergency (least serious)

Characteristics

- may involve threat of incident rather than actual incident
- may be addressed with college personnel and resources
- outside assistance may be called upon
- may be limited to small area of campus
- potential impact on health, safety, or property
- may interrupt classes and college operations for limited time (up to half a day)

Examples

- unplanned power outage
- approaching blizzard, storm, or other natural event
- water pipe break
- unidentified odor
- injured, missing, or deceased individual
- mild pandemic outbreak

Response Profile

- Dispatcher notifies Associate Vice President, Business & Security Services or Safety Officer and the Director of Information Technology
- Associate Vice President, Business & Security Services or the Safety Officer notifies the Executive Team
- Superintendent/President and the Associate Vice President, Business & Security Services decide whether or not to activate ERT and EOC
- Assess extent of incident impact on health, safety, property
- Decide whether evacuation is required; initiate as needed
- Decide whether medical or other outside assistance is required; contact as needed
- Decide on notification to community; send message(s); update web site as needed
- Account for students, personnel, and visitors involved in incident
- Decide on continuity of classes and college operations; notify community
- Update community on progress and final resolution of incident
- Determine incident follow-up plan

Level 2 Emergency

Characteristics

- requires outside assistance, primarily from local services
- may involve large portions or all of campus
- potential loss of life
- potential serious impact on health, safety, or property
- will interrupt classes and college operations for more than half a day
- pandemic outbreak

Examples

- weather event
- earthquake (minimal structural damage)
- bomb threat
- hazardous materials release/spill
- widespread/prolonged power outage

- violence or civil disturbance

Response Profile

- Dispatcher notifies Associate Vice President, Business & Security Services or Safety Officer and the Director of Information Technology
- Associate Vice President, Business & Security Services or the Safety Officer notifies the Superintendent/President
- The Superintendent/President, Associate Vice President, Business & Security Services or designee activates ERT and EOC
- Assess extent of incident impact on life, health, safety, property
- Decide whether evacuation is required; initiate as needed
- Decide whether medical or other outside assistance is required; contact as needed
- Notification to community; send message(s); update web site
- Account for all students, personnel, and visitors
- If no evacuation needed, ensure adequate food, water, heat, medical supplies, waste disposal, etc. for campus residents
- Decide on continuity of classes and college operations; notify community
- Establish media center; establish communication channels with relatives, government agencies, vendors, the public, etc.
- Update community on progress and final resolution of incident
- Determine incident follow-up plan

Level 3 Emergency (most serious)

Characteristics

- requires outside assistance from local, possibly state and federal services
- involves all of campus
- potential loss of life
- severe impact on health, safety, or property
- classes and college operations suspended for an extended period
- long-term effects on the college

Examples

- shooting
- uncontained fire
- severe weather event
- major earthquake (serious structural damage)
- explosion
- uncontained bio, chemical, or nuclear hazard
- terrorist incident
- pandemic outbreak

Response Profile

- Contact emergency responders and assist them as needed
- Associate Vice President, Business & Security Services or Safety Officer and the Director of Management Information Systems
- Associate Vice President, Business & Security Services or Safety Officer notifies the Executive Team
- Associate Vice President, Business & Security Services or Safety Officer activates ERT and EOC

- Assess extent of incident impact on life, health, safety, property
- Decide whether evacuation is required; initiate as needed
- Decide whether medical or other outside assistance is required; contact as needed
- Notify the community by sending message(s) to media outlets and updating the District's web site at www.gavilan.edu
- Activate emergency web site and other emergency communications channels as needed
- Account for all students, personnel, and visitors
- If no evacuation needed or possible, ensure adequate food, water, heat, medical supplies, waste disposal, etc. for campus residents
- Decide on resumption of classes and college operations; notify community
- Establish media center; establish communication channels with relatives, government agencies, vendors, the public, etc.
- Update community on progress and final resolution of incident
- Determine incident follow-up plan

EMERGENCY TELEPHONE NUMBERS

American Red Cross	800-733-2767
Safety	"10" or 408-710-7490
Emergency Management Office	916-845-8510
FBI (San Francisco Office)	415-553-7400
Fire/Police/Medical Emergency	911
Health Services (from on campus)	408-848-4791 or ext. 4791
Gas Company (PG&E)	800-743-5000
Poison Control Center	800-222-1222
Electric Company (PG&E)	800-743-5000
Police/Local Law Enforcement:	
Emergency	911
Non-emergency:	
On Gilroy Campus	"10" or 408-710-7490
City of Hollister	831-636-4330
City of Morgan Hill	408-779-2101
Santa Clara County Sheriff	408-683-2681
Local Hospital:	
Saint Louise Regional Hospital (Gilroy)	408-848-2000
Hazel Hawkins Memorial Hospital (Hollister)	831-637-5711
Local Trauma Center:	
Santa Clara Valley Medical Center (San Jose)	408-885-5000

Additional Resources/Information

There are a number of additional resources that are available regarding crisis response. These include the following:

Federal Emergency Management Agency

www.fema.gov

Red Cross

www.redcross.org

The Office of Homeland Security

www.whitehouse.gov/homeland/

A Guide to Citizen Preparedness

www.fema.gov/areyouready/

Are You Ready: A Guide to Citizen Preparedness brings together facts on disaster survival techniques, disaster-specific information, and how to prepare for and respond to both natural and human disasters.

DisasterHelp

www.disasterhelp.gov

The DisasterHelp website is an initiative of the federal government is aimed at greatly enhancing disaster management on an inter-agency and inter-governmental basis.

BP 3510 Workplace Violence

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)

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

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; and 626.10***

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.

- *Associate Vice President, Business & Security Services* 408-848-4739
- *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 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

References:

Education Code Section 212 a 67380, 67383, and; 87014;
Penal Code Sections 245 and 422.55;
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998;
20 United States Code § 1232g;
34 Code of Federal Regulations Parts 99.31(a)(13), (14) and 668.46;
Campus Security Act of 1990

Members of Gavilan College who are witnesses or victims of a crime should immediately report the crime to campus security.

In the event an employee is assaulted, attacked, or menaced by a student, the employee shall notify his or her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted, or menaced shall assist the employee to promptly report the attack or assault to the district security personnel. The supervisor himself /herself shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment.

The District shall publish warnings to the campus community about the following crimes:

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Persons who were not arrested for liquor law violations, drug law violations, and illegal weapons possession, but who were referred for campus disciplinary action for same;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability and involve larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury;
- Those reported to campus security; and
- Those that are considered to represent a continuing threat to other students and employees.

In the event that a situation arises, either on or off campus, that, in the judgment of the Associate Vice President, Business & Security Services or designee constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the college e-mail system to students, faculty, staff, the emergency alert system, and/or

student media outlets. The information shall be disseminated by campus security or the Public Information Officer in a manner that aids the prevention of similar crimes.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Public Information Officer may also post a notice on the campus-wide electronic bulletin board on the Gavilan College web site at: www.gavilan.edu, providing the community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff and students. Anyone with information warranting a timely warning should report the circumstances to the campus security, by phone 408-710-7490 or dial 911.

The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures.

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

The District shall publish an Annual Security Report every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims' assistance program, student discipline, campus resources and other matters. The District shall make the report available to all current students and employees. The District will also provide prospective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the Associate Vice President, Business & Security Services at 5055 Santa Teresa Boulevard, Gilroy, CA 95020 or at the Website address published in the class schedule and course catalog.

To Report a Crime:

Contact Campus Security at 408-848-4703 (non-emergencies) and dial 9-1-1 or "10" from a campus phone and/or 408-710-7490 (emergencies only). To report a crime at the Hollister or Morgan Hill sites dial 9-1-1 and then follow up with a call to Campus Security at 408-710-7490. Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the security department. After reporting the crime to as noted above, you may also contact:

- Vice President of Administrative Services, or designee 408-848-4715
- Vice President of Student Services, or designee 408-848-4732
- Associate Vice President of Human Resources & Labor Relations 408-848-4753

The District does not allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

The District may disclose the final results of disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. The District may also disclose to anyone, the final results of a disciplinary proceeding in which it

concludes that a student violated District policy with respect to a crime of violence or non-forcible sex offense. The offenses that apply to this permissible disclosure are:

- Arson;
- Assault offenses;
- Burglary;
- Criminal homicide – manslaughter by negligence;
- Criminal homicide – murder and non-negligent manslaughter;
- Destruction, damage, or vandalism of property;
- Kidnapping or abduction;
- Robbery;
- Forcible sex offenses.

The disclosure may only include the final result of the disciplinary proceeding with respect to the alleged criminal offense. The District shall not disclose the name of any other student, including a victim or witness, unless the victim or witness has waived his or her right to confidentiality.

Required Reports to Local Law Enforcement Agency

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, that is received by a campus security authority and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency. The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of his/her right to have his/her personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency unless the institution determines that both of the following apply, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and notify the victim of the disclosure:

- the alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and
- the immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

BP 3520 Local Law Enforcement

References:

Education Code Sections 67381 and 67381.1;
34 Code of Federal Regulations Section 668.46(b)(4)

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

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

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

Gavilan College in Gilroy, Morgan Hill, Hollister, and all other instructional site locations encourages accurate and prompt reporting of all crimes to the campus security and/or the appropriate police agencies. The Superintendent/President shall establish procedures that encourage counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

See Administrative Procedure #3520

AP 3520 Local Law Enforcement

References:

***Education Code Sections 67381 and 67381.1;
34 Code of Federal Regulations Part 668.46***

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

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

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

The Security Department maintains a close working relationship with the Santa Clara County Sheriff's Department (SCCSD). The Security Department occasionally works with other law enforcement agencies, including the California Highway Patrol, San Benito County Sheriff's Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments. Meetings may be held between the leaders of these agencies on both a formal and informal basis. The Security Department and California Highway Patrol, SCCSD, San Benito County Sheriff's Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments communicate regularly on the scene of incidents that occur in and around the campus area. When incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, the Security Department will work closely with the California Highway Patrol, SCCSD, San Benito County Sheriff's Department, and City of Gilroy, City of Hollister, and City of Morgan Hill police departments. There is no written memorandum of understanding between the Security Department and the California Highway Patrol, SCCSD, San Benito County Sheriff's Department, and City of Gilroy, City of Hollister, and City of Morgan Hill police departments.

In response to a call, the Security Department will take the required action, dispatching an officer or asking the victim to file an incident report. All incident reports received by the Security Department are forwarded to the Vice President of Student Services for review and potential action. The Security Department may investigate a report when it is deemed appropriate.

Crimes should be reported to the Security Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Security Department in a timely manner. To report a crime or an emergency call the Security Department at 408-710-7490. To report a non-emergency security or public safety related matter, call the Security Department at 408-848-4703.

Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the District. Security officers do not possess arrest power. Criminal incidents are referred to the local law enforcement officers who have jurisdiction on the campus. The District maintains a highly professional working relationship with the California Highway Patrol, SCCSD, San Benito County Sheriff's Department, City of Gilroy, City of Hollister, and City of Morgan Hill police departments. All crime victims and witnesses are strongly encouraged to immediately report the crime to campus Security Services Office and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

All reports will be investigated. The District does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to law enforcement agencies and when appropriate, to the District's Disciplinary Committee for review. When a potentially dangerous threat to the District's community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.

Reviewed by the Board of Trustees: July 11, 2017
Amended by the Board of Trustees: August 14, 2012
Approved by the Board of Trustees: December 11, 2001

BP 3530 Weapons on Campus

References:

Penal Code Sections 626.9 and 626.10

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

See Administrative Procedure #3530

Reviewed and Approved by the Board of Trustees: August 8, 2017
Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: December 11, 2001

AP 3530 Weapons on Campus

Reference:

Penal Code Section 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. The prohibition of firearms on any District campus, District center, or in any District facility includes both loaded and unloaded firearms, and applies to persons holding a valid license to carry a concealed firearm.

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 (or designee) 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 (or designee), and obtain written permission from the Vice President of Administrative Services (or designee) to possess a firearm or other weapon on campus.

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, is prohibited on any District campus or at any District center, or in any facility of the District.

Reviewed by the Board of Trustees: July 11, 2017
Amended by the Board of Trustees: March 12, 2013
Amended by the Board of Trustees: March 9, 2010
Approved by the Board of Trustees: December 11, 2001

BP 3540 Sexual and Other Assaults on Campus

References:

Education Code Section 67382, 67385, and 67386;

20 US. Code Section 1092(f);

34 Code of Federal Regulations Section 668.46(b (11))

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

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

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

All victims of sexual assault on District property shall be provided with information regarding options and assistance available to them.

All alleged victims of sexual assault shall be provided with the following, upon request:

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

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

See Administrative Procedure #3540

Amended and Approved by the Board of Trustees: January 12, 2016

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

Approved by the Board of Trustees: December 11, 2001

AP 3540 Sexual and Other Assaults on Campus

References:

Education Code Sections 67385, 67385.7, and 67386;
20 United States Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500 titled Standards of Student Conduct.)

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

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

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

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

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

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

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

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Associate Vice President, Business & Security Services, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Associate Vice President, Business & Security Services is authorized to release such information.

The Associate Vice President, Business & Security Services or designee shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
 - Security Department; dial "10" on Gilroy campus telephone or 408-710-7490; Hollister and Morgan Hill sites should dial 408-710-7490
 - Vice President of Student Services at 408-848-4732
 - Associate Vice President of Human Resources and Labor Relations at 408-848-4753
- Local law enforcement at 911
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, which include 911 services, and the persons on campus available to provide those services if requested. Services include:
 - transportation to a hospital, if necessary;
 - referral to a counseling center;
 - notice to the police, if desired;
 - a list of other available campus resources or appropriate off-campus resources including "What is Sexual Assault" brochure.
- The victim's option to:
 - notify proper law enforcement authorities, including on-campus and local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities;
 - The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
 - Information about how the district will protect the confidentiality of victims; and
 - Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - modification of class schedules; and,
 - tutoring, if necessary.

The Associate Vice President of Human Resources and Labor Relations, or designee, should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Associate Vice President of Human Resources and Labor Relations when the alleged victim is an employee and the Vice President of Student Services when the alleged victim is a student of any ongoing investigation. Information shall include the status of any student of employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

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

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

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

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

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District

property shall be referred to the District's Public Information Officer which shall work with the Associate Vice President, Business & Security Services to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any district proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus security and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the district will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any chances to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

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

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

BP 3550 Drug Free Environment and Drug Prevention Program

Reference:

***Drug Free Schools and Communities Act,
20 United States Code. Section 1145g;
34 Code of Federal Regulations Section 86.1 et seq.;***
***Drug Free Workplace Act of 1988;
41 United States Code. 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 United States Code Section 1145g;
34 Code of Federal Regulations 86.1 et seq.;
Federal Drug-Free Workplace Act, 1988;
41 United States 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 3560 Alcoholic Beverages

Reference:

***Business and Professions Code Section 25608;
34 CFR 668.46(b)***

The CEO is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

AP 3560 Alcoholic Beverages

References:

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

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

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the Office of the President.
- A student at least 18 years of age tastes, but does not swallow or consume, beer or wine for educational purposes as part of the instruction in an enology or brewing degree program, and the beer or wine remains in the control of the instructor.
- The alcoholic beverage is for use during a non-college event at a performing arts facility built on district property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- The alcoholic beverage is wine that is for use during an event sponsored by the district or Gavilan Educational Foundation in connection with the district's instructional program in viticulture or the district's instructional program in enology.
- The alcoholic beverage is for use at a professional minor league baseball game played at a college stadium pursuant to a contract between the district and a professional sports organization.
- The alcoholic beverage is possessed, consumed, or sold pursuant to a license or permit obtained for special events held at the facilities of a public community college during the special event. "Special event" means events that are held with the permission of the governing board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which principal attendees are members of the general public or invited guests and are not full-time students of the public community college.
- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the district or Gavilan College Educational Foundation at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.

- The alcoholic beverage is for use during a fundraiser held to benefit Gavilan College Educational Foundation that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.
- The alcoholic beverage is acquired, possessed, or consumed pursuant to a license or permit obtained for special events held at facilities of a community college district at a time when pupils are not on the grounds. "Facilities" includes, but are not limited to, office complexes, conference centers, or retreat facilities.

ALCOHOL ON CAMPUS

ABC-221 (Special Daily License to Serve Beer and Wine" must be filled out.

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

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



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

Application for Permit to Serve Alcoholic Beverages

Applicant and Sponsoring Organization _____

Date of Application _____ Date of Event _____

Location of Event _____ Time of Event _____

Type of Alcoholic Beverages to be Served _____

Serving Hours _____ Food Served _____

Number of People attending _____ ___Faculty ___Staff ___Other (specify): _____

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

ABC-Trained Pourers: YES (attach copy of ABC card) / NO
ABC Training: 100 Paseo de San Antonio, Room 119, San Jose, CA (408277-1200)

Adequate Campus Security Available: YES(attach Security acknowledgement) / NO

Sponsor Representative Signature Date

OFFICIAL USE ONLY

Permission Denied _____ Permission Granted _____

Permission Granted with Conditions: _____

Steven M. Kinsella, Superintendent/President Date

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



Amended by the Board of Trustees: December 8, 2015
Amended by the Board of Trustees: October 14, 2014
Amended by the Board of Trustees: July 10, 2012
Approved by the Board of Trustees: August 9, 2011

BP 3570 Tobacco and Smoke-Free Environment and Cessation/Prevention

Reference:

Government Code Section 7596, 7597 7597.1, 7598;

Labor Code 6404.5; Title 5, Section 5148

CA Health and Safety Code Section 104495

CA Health and Safety Code Sections 1596.795, 1596.890

CA Health and Safety Codes Section 104420(p)

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

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

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

See Administration Procedure #3570

AP3570 Tobacco and Smoke-Free Environment and Cessation/Prevention

References:

Government Code Section 7596, 7597, 7597.1, 7598;

Labor Code 6404.5;

Title 5, Section 5148

California Health and Safety Code Section 104495

CA Health and Safety Code Sections 1596.795, 1596.890

CA Health and Safety Codes Section 104420(p)

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

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

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

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

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

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

Amended by the Board of Trustees: August 14, 2012

Approved by the Board of Trustees: May 10, 2011

BP 3600 Auxiliary Organizations

References:

Education Code Sections 72670 et seq.;
Title 5 Sections 59250 et seq.

The Board may recognize and approve auxiliary organizations established for the purpose of providing to the District any and all supportive services, specialized programs and functions identified in Title 5.

The Superintendent/President shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the Chancellor for the California Community Colleges as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

Recognition and establishment of auxiliary organizations shall include a public hearing on the recommendation to recognize or establish an auxiliary organization; Board approval of the auxiliary organization; and approval of a written agreement between the District and the auxiliary organization describing the services, programs or functions to be performed. All such written agreements shall comply fully with the requirements of Title 5 Section 59257(j).

Any auxiliary organization recognized by the Board shall conduct its business in accordance with the administrative procedures adopted by the Superintendent/President pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Board shall comply with Education Code provisions regarding:

- the composition of a board of directors and the way in which it conducts its meetings;
- conducting an annual audit;
- employing its work force;
- expending and appropriating its funds, and keeping its records.

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations that constrain community college districts or providing the District with an unfair advantage with respect to any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

See Administrative Procedure #3600

AP 3600 Auxiliary Organizations

References:

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

Definitions

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

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

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

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

District: The term District as used herein means the Gavilan Joint Community College District Community College District.

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

Recognition and Establishment of Auxiliary Organizations

The CEO shall submit a recommendation to the Board of Trustees to establish an auxiliary organization when the organization will serve the District. The recommendation includes, but is not limited to, the following:

- The purpose(s) for which the auxiliary organization is to be established;
- Whether the proposed auxiliary organization will primarily serve the District or a particular District;
- The functions which the auxiliary organization is intended to perform;
- The proposed bylaws and articles of incorporation for the auxiliary organization, including the size and composition of the board of directors; and
- The proposed written agreement between the auxiliary organization and the District, as required in Title 5 Section 59259.

The process of recognition shall be as follows:

- When the CEO receives a request to establish an auxiliary organization, the CEO shall submit a recommendation concerning the establishment of said organization to the Board of Trustees within three months.

- The Board of Trustees shall hold a public hearing on each recommendation concerning the establishment of an auxiliary organization.
- At a subsequent scheduled meeting after the public hearing, the board shall announce its decision concerning the establishment of the organization, and, if approved, authorize the functions it may perform, identify the number and category or categories of the board of directors and approve contractual arrangements.

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

Recognized Services, Programs and Functions

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

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

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

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

Authority and Responsibility of Auxiliary Organizations

Participation in workshops, conferences, or institutes offered by auxiliary organizations shall not be included in reports to the state for the purpose of receiving apportionment funding.

All services, programs and activities that may be undertaken by an auxiliary organization shall be maintained for the general benefit of the educational program of the District. Upon Board of Trustees approval, an auxiliary organization may assume any of the services, programs and activities listed in these procedures in order:

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

Composition of Boards of Directors

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

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

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

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

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

Conduct of Boards of Directors

No member of the board of directors of an auxiliary organization shall be financially interested in any contract or other transaction entered into by the board of which he/she is a member. Any contract or transaction entered into in violation of this section is void.

No contract or other transaction entered into by the board of directors of an auxiliary organization is void under the provisions of Education Code Section 72677; nor shall any member of such board be disqualified or deemed guilty of misconduct in office under such provisions, if pursuant to Education Code Section 72678 both of the following conditions are met:

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

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

- The contract or transaction is between an auxiliary organization and a member of the board of directors of that auxiliary organization.
- The contract or transaction is between an auxiliary organization and a partnership or unincorporated association of which any member of the governing board of that auxiliary organization is a partner or in which he/she is the owner or holder, directly or indirectly, of a proprietorship interest.

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

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

Bylaws

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

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

Master Agreement between District and Auxiliary Organizations

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

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

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

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

- The services, programs, or functions the auxiliary organization is to manage, operate or administer.
- A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.
- The areas of authority and responsibility of the auxiliary organization and the District or College.
- The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.
- The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.
- Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith reimbursement value to such non-monetary benefits. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be as mutually determined.
- A mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs.).
- The responsibility for maintenance and payment of operating expenses.
- Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The board of directors shall file with the CEO a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.
- The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.
- The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
- The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Education Code Sections 72670-72682 and with Title 5 Sections 59250 et seq. as well as District Board Policy.
- The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.
- The understanding that the auxiliary organization shall not enter into any contract or other business arrangement involving real property either by lease involving payments of more than \$25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with the CEO.

Personnel

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

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

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

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

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

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

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

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

Should retirement benefits be provided, they may but need not be provided by the Public Employees' Retirement System. Any newly created auxiliary organization is exempted from the requirement of providing retirement benefits for a period not to exceed three years from the date on which the Board of Trustees recognizes the establishment of such auxiliary organization.

An auxiliary organization may contract with the District for the services of a District employee and reimburse the District for that portion of the employee's full-time assignment (and corresponding benefits) that is spent in providing said services.

Accounting and Reporting for Auxiliary Organizations

The fiscal year of the auxiliary organization shall coincide with that of the District.

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

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

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

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

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

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

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

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

Members of the audit committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the corporation. Subject to the supervision of the board of directors, the audit committee shall be

responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the board of directors.

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

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

Records and Annual Report of Auxiliary Organizations

Personnel and payroll records shall be maintained as permanent records by each auxiliary organization.

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

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

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

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

Annual Audit

Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Chancellor. Copies of the annual audit report shall be submitted to the Board of Trustees and to the California Community Colleges Chancellor's Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.

Auxiliary organizations shall annually publish an audited statement of their financial condition, which shall be disseminated as widely as feasible and be available to any person on request. A reasonable fee may be charged to cover the costs of providing a copy. An auxiliary organization shall comply with this requirement by:

- Publishing the audited financial statement in a campus newspaper; or
- Publishing a notice in a campus newspaper indicating the on-campus location where copies of the financial statement may be obtained or reviewed; or

- Publishing or noticing the audited statement in a campus bulletin or other appropriate medium if a campus newspaper is unavailable.

Insurance

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

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

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

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

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

Auxiliary Organizations: Use of Facilities

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

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

List of Auxiliary Organizations in Good Standing

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

When the CEO has reason to believe that a particular organization should be removed from the list of auxiliary organizations in good standing, a conference shall be held to determine whether

such grounds for removal do in fact exist. The board of directors of such organization shall be entitled to participate in this conference, and shall have a minimum of one month notice to prepare response to the issues which have been raised.

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

An organization so removed shall not be permitted to do any of the following:

- Use the name of the District;
- Have as a director any official in the District acting in his/her official capacity;
- Operate a commercial service for the benefit of the District or any of its Colleges; and
- Receive gifts, property or funds to be used for the benefit of the District or any of its Colleges.

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

Limitation on Transfer of Funds to Auxiliary Organizations

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations which constrain community college districts or providing the District with an unfair advantage with respect to the application of any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

Compliance Review by CEO

All auxiliary organization procedures and practices shall be reviewed to determine compliance with Education Code Sections 72670 et seq., and the policies, rules and regulations of the Board of Governors, and of the District. The CEO shall designate the individual to conduct this review, which shall be conducted at the end of the first complete fiscal year after its establishment and at least once every three years thereafter.

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

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

When the auxiliary organization fails to provide an acceptable proposal for corrective actions or fails to implement successful corrective actions within the agreed upon time, the CEO shall

inform the board of directors of such further action as he/she considers appropriate, which may include a recommendation to the Board of Trustees for termination of the contract.

Revision of Rules and Procedures and Reports to the State Chancellor's Office

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

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

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

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 and Network Use

Reference:

Education Code Section 70902;
17 United States Code Section 101 et seq.;
Penal Code Section 502,
Cal. Const., Art. 1 Section 1;
Government Code Section 3543.1(b)

Employees, trustees, 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

AP 3720 Computer and Network Use

Reference:

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

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

This procedure applies to all District students, faculty staff, and trustees 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. For additional information on data governance and information technology protocols, please see the Gavilan College Data Governance Handbook.

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 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 authorized 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 or computers must be disclosed if requested by a member of the public. Communication between private email accounts and college email accounts are available for public review. Communication between private email accounts of trustees would need to be made available if a Public Records request is received for that information.

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) intended for all users including trustees.

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.

Reviewed by the Board of Trustees: July 11, 2017
Amended by the Board of Trustees: December 8, 2015
Amended by the Board of Trustees: November 10, 2009
Amended by the Board of Trustees: November 14, 2006,
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 Against the District

Reference:

Education Code Section 72502;

Government Code Sections 900 et seq. and 910 et seq.

- Claims must be submitted using the District's designated claim form. 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. If a claim is not submitted on the designated form, it will be returned. Any claim returned may be resubmitted using the designated form;
- 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.

Reviewed by the Board of Trustees: July 11, 2017

Reviewed by the Board of Trustees: December 10, 2013

Approved by the Board of Trustees: December 11, 2001

BP 3820 Gifts

Reference:

Education Code Section 72205

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

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

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

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

NOTE: The District should consult with counsel if confronted with a donor who wishes to make a donation of a scholarship that will be tailored to help historically underrepresented groups. Generally, a District should not accept a donation from a donor when the stated purpose of the donation is to facilitate discrimination on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, or physical or mental disability.

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.

BP 3900 Speech: Time, Place, and Manner

References:

Education Code Section 76120 and 66301

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

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

The administrative procedure promulgated by the President/Superintendent shall not prohibit the right of student to exercise free expression, including but not limited to the use of bulletin boards, the distribution of printed materials or, and the wearing of buttons, badges, or other insignia.

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

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

See Administrative Procedure 3900

AP 3900 Speech: Time, Place, and Manner

References:

Education Code Section 76120 and 66301

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

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

- Gazebo, located North of Cafeteria.

This area is chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus, but also so as not to disrupt educational and other activities of the District on behalf of students.

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

- The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of orderly operation of the college. Areas of the college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other areas not specified above.

The use of this area reserved and open for expressive activities is subject to the following:

- No person using the areas shall touch, strike or physically impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.
- Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs orderly conduct of the campus or classes taking place at that time.
- Persons using the areas reserved for expressive activities shall not disrupt the orderly operation of the college.

Non-student community groups wishing to engage in speech or expressive activities on campus in the area designated as a public forum must check in with the District through the Gavilan College Associate Vice President of Business and Security Services or designee prior to engaging in the activities. This does not involve an advance approval process. No illegal activities will be permitted, no activities that violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas, as described below. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the District will offer alternative available areas or if none are available offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities by using the facility use form.

All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only with the area. Those persons distributing printed material must, prior to their departure from the areas that day, make reasonable efforts to retrieve, remove or properly discard material that is discarded or dropped in or around the areas other than in an appropriate receptacle.

Posting

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