

Chapter 3 General Institution

Part 2

Note: All Chapter 3, General Institution, Board Policies and Administrative Procedures are being reviewed. They will be presented to you in segments. This is the 2nd of 3 segments. The policies and procedures with recommended edits are identified in **bold**.

Edits are usually:

- Changes to accreditation standards
 - Updates recommended by the Community College League of California policy subscriber service (ongoing legislative/regulation changes, court decisions, etc.)
 - Internally generated
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Chapter Review BP 3500 - 3530

Policies:

BP 3500	Campus Safety
BP 3501	Campus Security and Access
BP 3505	Emergency Response Plan
BP 3510	Workplace Violence Plan
BP 3515	Reporting of Crimes
BP 3520	Local Law Enforcement
BP 3530	Weapons on Campus

Chapter Review AP 3501 - 3540

Procedures:

AP 3501	Campus Security and Access
AP 3505	Emergency Response Plan
AP 3510	Workplace Violence Plan
AP 3515	Reporting of Crimes
AP 3520	Local Law Enforcement
AP 3530	Weapons on Campus
AP 3540	Sexual and Other Assaults on Campus

Reviewed with no recommended changes.

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

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

Edits recommended

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

Edits recommended

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 Director of ~~Security and Support~~Business 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, Director of ~~Security and Support~~Business 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/ .

Reviewed with no recommended changes.

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

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

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

The District conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. The Director of ~~Security and Support~~ Business Services and District administration coordinate announced and unannounced evacuation drills once per year, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. For each test conducted, the District Director of ~~Security and Support~~ Business 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 Director of ~~Safety and Support~~ **Business** 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 Director of ~~Security and Support~~ Business Services or Safety Officer and the Director of Management Information Systems
- Director of ~~Security and Support~~ Business Services or the Safety Officer notifies the Executive Team
- Superintendent/President and the Director of ~~Security and Support~~ Business 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 Director of ~~Security and Support~~ Business Services or Safety Officer and the Director of Management Information Systems
- Director of Business ~~Security and Support~~ Services or the Safety Officer notifies the Superintendent/President
- The Superintendent/President, Director of ~~Security and Support~~ Business Services or designee activates ERT and EOC
- Assess extent of incident impact on life, health, safety, property
- Decide whether evacuation is required; initiate as needed
- Decide whether medical or other outside assistance is required; contact as needed
- Notification to community; send message(s); update web site
- Account for all students, personnel, and visitors
- If no evacuation needed, ensure adequate food, water, heat, medical supplies, waste disposal, etc. for campus residents
- Decide on continuity of classes and college operations; notify community
- Establish media center; establish communication channels with relatives, government agencies, vendors, the public, etc.
- Update community on progress and final resolution of incident
- Determine incident follow-up plan

Level 3 Emergency (most serious)

Characteristics

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

Examples

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

Response Profile

- Contact emergency responders and assist them as needed

- Director of ~~Security and Support~~Business Services or Safety Officer and the Director of Management Information Systems
- Director of ~~Security and Support~~Business Services or Safety Officer notifies the Executive Team
- Director of ~~Security and Support~~Business 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	831-637-5711
Local Trauma Center:	
Santa Clara Valley Medical Center	408-885-5000

Additional Resources/Information

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

Federal Emergency Management Agency	www.fema.gov
Red Cross	www.redcross.org
The Office of Homeland Security	www.whitehouse.gov/homeland/

A Guide to Citizen Preparedness

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.

Approved by the Board of Trustees: _____
Approved by the Board of Trustees: August 14, 2012

Edits recommended

CCLC Note: The title of this policy and procedure was updated for clarity.

BP 3510 Workplace Violence Plan

Reference:

Cal/OSHA: Labor Code §§ 6300 et seq;

8 Cal. Code Regs. § 3203;

"Workplace Violence Safety Act of 1994" (Code of Civil Procedure § 527.8 and Penal Code §§ 273.6 and ~~12021~~)

The Board is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.

The President of the College shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

See Administrative Procedure #3510

AP 3510 Workplace Violence Plan

Reference:

Cal/OSHA; Labor Code Sections 6300 et seq.

Title 8, Section 3203

Code of Civil Procedure Section 527.8

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

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

Responding to Threats of Violence

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

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

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

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

The following actions are considered violent acts:

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

employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his or her duties.

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

- Director, ~~Security and Support~~ Business Services 408-848-4720 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.

Reviewed with no recommended changes.

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

Reviewed and Approved by the Board of Trustees: _____
Approved by the Board of Trustees: December 11, 2001

Edits recommended

AP 3515 Reporting of Crimes

References:

Education Code Section 212, and 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 U.S.C. United States Code § 1232g;
34 Code of Federal Regulations Parts 99.31(a)(13), (14) and 668.46;
34 C.F.R. 668.46; 34 C.F.R. 99.31(a)(13), (14)
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 Director of ~~Security and Support~~ Business 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 perspective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the Director of ~~Security and Support~~ Business 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
- Director, Human Resources 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.

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

Edits recommended.

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

Reviewed by the Board of Trustees: _____
Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: December 11, 2001

Edits recommended.

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: _____
Amended by the Board of Trustees: August 14, 2012
Approved by the Board of Trustees: December 11, 2001

Reviewed with no recommended changes.

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 by the Board of Trustees: _____
Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: December 11, 2001

Edits recommended.

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: _____
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

Edits recommended

CCLC NOTE: This procedure was updated to add new student discipline requirements and victim notification requirements pursuant to Ed Code Section 67386.

AP 3540 Sexual and Other Assaults on Campus

References:

*Education Code Sections 67385, 67385.7, -and 67386;
20 United S.tates Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)*

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

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

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

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

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

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

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be

ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

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

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

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

The Director, ~~Security and Support~~Business Services or designee shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
 - Security Department; dial “10” on Gilroy campus telephone or 408-710-7490; Hollister and Morgan Hill sites should dial 408-710-7490
 - Vice President of Student Services at 408-848-4732
 - Director, Human Resources at 408-848-4753
- Local law enforcement at 911
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, which include 911 services, and the persons on campus available to provide those services if requested. Services include:
 - transportation to a hospital, if necessary;
 - referral to a counseling center;
 - notice to the police, if desired;
 - a list of other available campus resources or appropriate off-campus resources including “What is Sexual Assault” brochure.
- 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 Director, Human Resources, or designee, should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Director of Human Resources when the alleged victim is an employee and the Vice President of Student Services when the alleged victim is a student of any ongoing investigation. Information shall include the status of any student or 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 Director, ~~Security and Support~~ Business Services to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent ~~sex offenses~~ sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after ~~a sex offense occurs~~ 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 ~~student~~ services for victims of sex offenses;
- 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 ~~Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available~~;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault offense, 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 ~~sex offense~~

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

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, 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.