

AP 5520 Student Discipline Procedures

Reference:

Education Code Section 66300, 72122, 76030

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

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

Definitions:

District. The Gavilan Joint Community College.

Student. Any person currently enrolled as a student at any college or in any program offered by the District.

Instructor. Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Short-term Suspension. Exclusion of the student by the President of the College for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction.

Long-term Suspension. Exclusion of the student by the President of the College for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion. Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class. Exclusion of the student by an instructor for the day of the removal and the next class meeting. An online instructor may block access to the class for 78 hours.

Written or verbal reprimand. An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the Vice President of Student Services for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Vice President of Student Services has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Amended by the Board of Trustees April 13, 2004

Approved by the Board of Trustees August 13, 2002

Day. Days during which the District is in session and regular classes are held, excluding Sundays.

Short-term Suspensions, Long-term Suspensions, and Expulsions:

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

Notice. The Vice President of Student Services will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:

The specific section of the Standards of Student Conduct that the student is accused of violating.

A short statement of the facts supporting the accusation.

The right of the student to meet with the Vice President of Student Services or designee to discuss the accusation, or to respond in writing.

The nature of the discipline that is being considered.

Time limits. The notice must be provided to the student within 10 school days of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within 10 school days of the date on which conduct occurred which led to the decision to take disciplinary action.

Meeting. If the student chooses to meet with the Vice President of Student Services, the meeting must occur no sooner than five (5) after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension.

Within ten (10) school days after the meeting described above, the President of the College shall, pursuant to a recommendation from the Vice President of Student Services within ten (10) days, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the President of the College decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The decision of the President of the College on a short-term suspension shall be final.

Long-term Suspension.

Within ten (10) school days after the meeting described above, the President of the College shall, pursuant to a recommendation from the Vice President of Student Services, decide whether to impose a long-term suspension. Written notice of the decision from the President of the College shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion.

Within 10 school days after the meeting described above, the President of the College shall, pursuant to a recommendation from the Vice President of Student Services, decide whether to recommend expulsion to the Board of Trustees. Written notice of the decision by the President of the College shall be provided to the student. The notice will include the right of the student to

request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures:

Request for Hearing. Within five (5) school days after receipt of the President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the President of the College or designee.

Schedule of Hearing. The formal hearing shall be held within five (5) school days after a formal request for hearing is received.

Hearing Panel. The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.

The President of the College, the President of the Academic Senate, and the ASB President shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The President of the College shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair. The President of the College shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing.

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

A college representative who shall be the Vice President of Student Services shall present the facts supporting the accusation.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by substantial evidence that the facts alleged are true.

The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the

Approved by the Board of Trustees August 13, 2002

panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 school days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask people present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.

Within ten (10) school days following the close of the hearing, the hearing panel shall prepare and send to the President of the College a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

President's Decision:

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

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

Approved by the Board of Trustees August 13, 2002

Board of Trustees Decision:

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

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122)

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the President of the College and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Board shall be final.

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

Immediate Interim Suspension [Education Code Section 66017]:

The President of the College may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order.

Approved by the Board of Trustees August 13, 2002

In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class [Education Code Section 76032]:

Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Dean. The Dean shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Dean shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the

Approved by the Board of Trustees August 13, 2002

Dean from recommending further disciplinary procedures in accordance with these procedures based on the facts, which led to the removal.

Withdrawal of Consent to Remain on Campus

The Vice President of Student Services may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Vice President of Student Services a written report must be promptly made to the President of the College.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 20 school days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. [Penal Code Section 626.4]

Time Limits:

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Amended by the Board of Trustees April 13, 2004

Approved by the Board of Trustees August 13, 2002

Meeting-

If ~~the student chooses to meet~~ an appointment is scheduled with the Vice President of Student Services or designee, the meeting must occur no sooner than five (5) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

If the student fails to attend the meeting, disciplinary action will be communicated via registered letter and e-mail.

Short-term Suspension

Within ten (10) school days after the meeting described above, the Superintendent/President of the District College or designee shall, pursuant to a recommendation from the Vice President of Student Services, or the Executive Vice President of Instruction Academic Affairs ~~within ten (10) days~~, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Superintendent/President of the College decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The decision of the Superintendent/President of the College on a short-term suspension shall be final.

Long-term Suspension

Within ten (10) school days after the meeting described above, the Superintendent/President of the College shall, pursuant to a recommendation from the Vice President of Student Services or the Vice President of Academic Affairs decide whether to impose a long-term suspension. Written notice of the decision from the Superintendent/President of the District College shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion

Within ten (10) school days after the meeting described above, the Superintendent/President of the District College shall, pursuant to a recommendation from the Vice President of Student Services or Vice President of Academic Affairs, decide whether to recommend expulsion to the Board of Trustees. Written notice of the decision by the Superintendent/President of the College shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

HEARING PROCEDURES

- Request for Hearing

Within five (5) school days after receipt of the Superintendent/President decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Superintendent/President of the District College or designee.

- Schedule of Hearing

The formal hearing shall be held within ten (10) ~~five (5)~~ school days after a formal request for hearing is received.

- Hearing Panel

The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.

The Superintendent/President of the District College, the President of the Academic Senate, and the ASB Associated Student of Gavilan College (ASGC) President shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The Superintendent/President of the College shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

– **Hearing Panel Chair**

The Superintendent/President of the District College shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a District college representative who shall be the Vice President of Student Services or designee.

The District college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the District college representative and the student shall each be permitted to make an opening statement. Thereafter, the District college representative shall make the first presentation, followed by the student. The District college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the District college representative to prove by the preponderance of substantial of the evidence that the facts alleged are true.

The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the District college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) school days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask people present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.

Within ten (10) school days following the close of the hearing, the hearing panel shall prepare and send to the President of the College a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

Superintendent /President/Superintendent's Decision

- Long-term Suspension.

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

- Expulsion.

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

Board of Trustees Decision

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

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122)

The student shall be notified in writing, by registered or certified mail to the address last on file with the District or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the Superintendent/President of the District College and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing,

and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Board shall be final.

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

Immediate Interim Suspension [Education Code Section 66017]:

The Superintendent/President of the District College may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order.

In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class [Education Code Section 76032]:

Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the area dean, site director or Vice President of Academic Affairs department supervisor. The dean or designee supervisor shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the area dean or supervisor shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the dean or supervisor from recommending further disciplinary procedures in accordance with these procedures based on the facts, which led to the removal.

Withdrawal of Consent to Remain on Campus

The Vice President of Student Services or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Vice President of Student Services or designee a written report must be promptly made to the Superintendent/President of the District college.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for no more than fourteen (14) longer than 20 school days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. [Penal Code Section 626.4]

Time Limits:

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Tentative Revision September 2017

Amended by the Board of Trustees April 13, 2004

Approved by the Board of Trustees August 13, 2002

AP 5035 Withholding of Student Records

Reference:

Title 5, Section 59410

The Admissions and Records Office may withhold grades, transcripts, diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation to the District. The student shall be given written notification and the opportunity to explain if the financial obligation is in error.

The definition of proper financial obligation shall include, but is not limited to: student fees; obligations incurred through the use of facilities, equipment or materials; library fines; unreturned library books; materials remaining improperly in the possession of the student; and/or any other unpaid obligation a student or former student owes to the District. A proper financial obligation does not include any unpaid obligation to a student organization.

Withholding Records for Non-payment of Financial Obligations

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

AP 5035 Withholding of Student Records

Reference:

Title 5V, Section 59410

Standards of Student Conduct (BP 5500)

The Admissions and Records Office may withhold grades, transcripts, diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation to the District, or who have pending disciplinary actions. The student shall be given written notification and the opportunity to explain if the financial obligation, or disciplinary incident in question, is in error.

The definition of proper financial obligation shall include, but is not limited to: student fees; obligations incurred through the use of facilities, equipment or materials; library fines; unreturned library books; materials remaining improperly in the possession of the student; and/or any other unpaid obligation a student or former student owes to the District. A proper financial obligation does not include any unpaid obligation to a student organization.

Withholding Records for Non-payment of Financial Obligations

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

Disciplinary Hold

Students, or former students, who have violated any Standard of Student Conduct (BP 5500) are subject to disciplinary action.

Students or former students are sent a letter (via e-mail and hard copy) informing them of a scheduled appointment with the Vice President of Student Services or appropriate District administrator.

A student who fails to attend the scheduled appointment, or fails to reschedule the appointment, is subject to a hold placed on their record until the student or former student meets with the appropriate Vice President or District administrator.

Tentative Approval September 2017

Approved by the Board of Trustees: August 13, 2002

AP 5530 Student Rights and Grievances

Reference:

Title IX, Education Amendments of 1972; Education Code Section 76224(a)

Purpose:

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972
- Sexual harassment
- Financial aid
- Illegal discrimination
- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final."
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This procedure does **not** apply to:

- Student disciplinary actions, which are covered under separate Board policies and Administrative Procedures.
- Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Definitions:

Party. The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

President. The President of the College or a designated representative of the President.

Student. A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Respondent. Any person claimed by a grievant to be responsible for the alleged grievance.

Day. Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Sundays.

Approved by the Board of Trustees August 13, 2002

Informal Resolution:

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration.

The President of the College shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes he or she has a grievance shall file a Statement of Grievance with the Grievance Officer within 10 (ten) business days of the incident on which the grievance is based, or 10 (ten) business days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of 10 (ten) business days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

Grievance Hearing Committee:

The President of the College shall at the beginning of each semester, including any summer session, establish a standing panel of 14 (fourteen) members of the college community, including 6 (six) students, 6 (six) faculty members and 2 (two) administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Faculty Senate, who shall each submit 2 (two) names to the President of the College for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include 2 (two) students, 2 (two) instructors, and 1 (one) college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner.

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant(s) shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant(s) to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent him or herself, and may also have the right to be represented by a person of his or her choice; except that an attorney shall not represent a party unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than 5 (five) business days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the President of the College any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than 5 (five) business days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The Grievance Officer shall record the hearing either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify him or herself by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.

All testimony shall be taken under oath; the Grievance Hearing Committee Chair shall administer the oath. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded shall be considered to be unavailable.

Within 10 (ten) business days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the President of the College a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any.

Approved by the Board of Trustees August 13, 2002

The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

President's Decision:

Within 10 (ten) business days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the President of the College shall send to all parties his or her written decision, together with the Hearing Committee's decision and recommendations. The President of the College may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the President of the College does not accept the decision or a finding or recommendation of the Hearing Committee, the President of the College shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the President of the College shall be final, subject only to appeal as provided below.

Appeal:

Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the President of the College within 5 (five) business days of that decision. The President of the College shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Time Limits:

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the President of the College who shall determine whether cause for disqualification has been shown. If the President of the College feels that sufficient ground for removal of a member of the committee has been presented, the President of the College shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.

- The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member or vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

Request for Grievance Hearing:

Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within 10 (ten) business days after filing the Statement of Grievance as described above. Within 10 (ten) business days following receipt of the Request for Grievance Hearing, the President of the College shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

The statement contains facts which, if true, would constitute a grievance under these procedures;

The grievant is a student as defined in these procedures, which include applicants and former students;

The grievant is personally and directly affected by the alleged grievance;

The grievance was filed in a timely manner;

The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within 10 (ten) business days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within 10 (ten) business days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than 10 (ten) business days notice of the date, time and place of the hearing.

Hearing Procedure:

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

Approved by the Board of Trustees August 13, 2002

AP 5530 Student Rights and Grievances

Reference:

Education Code Section 76224(a)

Title IX, Education Amendments of 1972; Education Code Section 76224(a)

ACCJC Accreditation Eligibility Requirement 20

ACCJC Accreditation Standard IV.D

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances only. Faculty and staff with complaints regarding student are to refer to Administrative Procedure (AP) 5500, Student Code of Conduct, and AP 5520, Student Discipline Procedures. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972
- Financial aid
- Illegal discrimination
- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." ("Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.)
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.
- Act of threat of physical aggression

Formal complains of discrimination harassment or sexual assault may be filed on a form prescribed by the State Chancellor. Approved complaint forms are available from the Associate Vice President of Human Resources and the Associate Vice President of Business and Security. An individual who feels she/he has been subjected to sexual assault may also file a report with the Campus Deputy Sheriff or local Police Department.

This procedure does **not** apply to:

- Student disciplinary actions, which is ~~are~~ covered under a separate ~~Board policies and Administrative Procedures.~~ (See AP 5520, Student Discipline Procedures.)
- Sexual Harassment or Illegal Discrimination
- Sexual harassment or complaints on the basis of race, color national or ethnic origin, age, gender, sexual orientation, marital status, or physical or mental disability should be direct to the Associate Vice President of Human Resources
- Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

DEFINITIONS ~~efinitions:~~

Grievant

A student alleging that a college decision or action has adversely affected his or her status, rights, or privileges as a student, or alleges that another student has violated the student's rights.

Party

The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the District College Grievance Officer.

Superintendent/President

The Superintendent/President of the Gavilan College Joint Community College District or a designated representative of the Superintendent/President.

Student

A currently enrolled student, a person who has filed an application for admission to the District college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Respondent

Any person claimed by a grievant to be responsible for the alleged grievance.

Day

Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays unless noted

INFORMAL RESOLUTION OF GRIEVANCES ~~Informal Resolution~~

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local District college administration.

The Superintendent/President of the District College ~~has~~ shall appointed ~~an~~ employees who shall assist students in seeking resolution by informal means. ~~They~~ ~~This person~~ shall be called the **Grievance Officers**. ~~Student conduct related issues~~ Grievance Officer is the Vice President of Student Services and instructional related issues Grievance Office is the Vice President of Academic Affairs. The Grievance Officers and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes he or she has a grievance shall file a Statement of Grievance with the appropriate Grievance Officer within thirty (30) ~~ten (10) (ten)~~ calendar business days of the incident on which the grievance is based, or thirty (30) ~~ten (10) (ten)~~ calendar business days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two (2) days following receipt of the Statement of Grievance, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At

no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

If at the end of fifteen (15) ~~ten (10)~~ calendar business days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

Informal Resolution of Grievances Involving District Employees

- Step 1
The student Shall confer with the faculty member, administrator or staff person directly involved in the facts giving rise to the grievance.
- Step 2
If unresolved after Step 1, the student shall confer with the faculty member's area dean, or the supervisor of the administrator or staff person.
- Step 3
If unresolved after Step 2, the student shall confer with the vice president of that dean's or supervisor's division.
- Step 4
Within the thirty (30) calendar-day limit as outlined above, if the student does not feel that the matter can be resolved after completing Steps 1, 2 and 3, an official statement of Grievance may be filed with the Grievance Officer. The Grievance Officer will advise the student of his/her rights and assist the student, if necessary, in the final preparation of the formal Statement of Grievance.
- Step 5
If after fifteen (15) days from the first meeting with the Grievance Officer there is no informal resolution, student may request a grievance hearing.

If the complaint involves a grievance against another student, the grievant shall confer directly with the Grievance officer, who will advise the grievant of this/her rights and assist the grievant in preparing a formal Statement of Grievance.

Grievance Hearing Committee:

The Superintendent/President of the District College shall at the beginning of each semester, including any summer session, establish a standing panel of 14 (fourteen) members of the college community, including 6 (six) students, 6 (six) faculty members and 2 (two) administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Faculty Senate, who shall each submit 2 (two) names to the President of the College for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include 2 (two) students, 2 (two) instructors, and 1 (one) college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner.
- Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Superintendent/President of the District who shall determine whether cause for disqualification has been shown. If the Superintendent/President of the College feels that sufficient ground for removal of a member of the committee has been presented,

and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.

- The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member or vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

Request for Grievance Hearing:

Any request for a grievance hearing shall be filed as ~~an~~ a Request for a Grievance Hearing within thirty (30) calendar days after discovery of the grievable action and after following steps 1, 2, and 3 of the informal grievance process above. ~~ten (10) business days after filing the Statement of Grievance as described above.~~

Within ten (10) calendar business days following receipt of the Request for Grievance Hearing, the Superintendent/President of the District College shall appoint a Grievance Hearing Committee as described above. ~~and The the~~ Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student as defined in these procedures, which include applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within fifteen (15) ~~ten (10) (ten)~~ calendar business days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within forty-five (45) ~~ten (10) (ten)~~ calendar business days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than ten (10) ~~ten (10)~~ calendar business days' notice of the date, time and place of the hearing.

Hearing Procedure:

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant(s) shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant(s) to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent him or herself, and may also have the right to be represented by a person of his or her choice; except that an attorney shall not represent a party unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than five (5) (five) calendar business days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the Superintendent/President of the District College any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than five (5) (five) business days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The Grievance Officer shall record the hearing either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify him or herself by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.

All testimony shall be taken under oath; the Grievance Hearing Committee Chair shall administer the oath. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded shall be considered to be unavailable.

Within fifteen (15) ten (10) (ten) calendar business days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the Superintendent/President of the District College a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any.

The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

Superintendent/President's Decision:

Within fifteen (15) ten (10) (ten) calendar business days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the Superintendent/President of the District College shall send to all parties his or her written decision, together with the Hearing Committee's decision and recommendations. The Superintendent/President of the College may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the

~~Superintendent/President of the College~~ does not accept the decision or a finding or recommendation of the Hearing Committee, the ~~Superintendent/President of the College~~ shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the ~~Superintendent/President of the College~~ shall be final, subject only to appeal as provided below.

Appeal:

Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the ~~Superintendent/President of the District College~~ within thirty (30) ~~five (5)~~ calendar business days of that decision. The ~~Superintendent/President of the College~~ shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The ~~Superintendent/President's~~ decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Time Limits:

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Tentative Revision September 2017

Approved by the Board of Trustees August 13, 2002

AP 5500 Standards of Conduct

Reference:

Education Code Section 66300 and 66301

Accreditation Standard II.A.7.b

Definitions

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a district employee, which is concurred in by the President of the College.
3. The manufacture, possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to district property or to private property on campus.
6. Stealing or attempting to steal district property or private property on campus, or knowingly receiving stolen district property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling, social isolation or manipulation, and cyberbullying.
11. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
14. Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.

Approved by: Gavilan College Board of Trustees 8/15/95

Amended by the Board of Trustees: November 13, 2007

Amended by the Board of Trustees: May 10, 2010

Amended by the Board of Trustees: August 13, 2013

15. Unauthorized entry upon or use of college facilities.
16. Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.
17. Engaging in expression which is obscene; libelous or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.

Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.

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

Students at Gavilan College have the right to know what constitutes academic honesty at the College and in each course in which they are enrolled. Faculty members will apprise their classes of the ethical standards required in their courses and the permissible procedures in class work and examinations. A statement referring to this information as a reference for the class will be presented in the course outline (green sheet)* and/or on the individual examination questionnaires. Students will be informed of the consequences of violating these standards, their rights of appeal, and the procedures to be followed in the appeal.

1.0 Definitions of Academic Dishonesty

- a. Purposely allowing another student to copy from your paper during a test.
- b. Giving your homework term paper or other academic work to another student to plagiarize.
- c. Having another person submit any work in your name.
- d. Lying to an instructor or university official to improve your grade.
- e. Altering a graded work after it has been returned, then submitting the work for re-grading (without knowledge of the instructor).
- f. Removing test(s) from classroom or any other place without instructor's approval.
- g. Stealing tests or keys to tests.
- h. Forging signatures on drop/add slips or other college documents.

Approved by: Gavilan College Board of Trustees 8/15/95
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: May 10, 2010
Amended by the Board of Trustees: August 13, 2013

1.1 Cheating

At Gavilan, cheating is the act of obtaining or attempting to obtain credit for academic work through any dishonest, deceptive, or fraudulent means. Cheating at Gavilan includes, but is not limited to:

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

1.2 Plagiarism

- a. The act of incorporating the ideas, words, sentences, paragraphs, or parts thereof, or the specific substance of another's work without giving appropriate credit, and representing the product as one's own work.
- b. Representing another's artistic/scholarly works such as musical compositions, writings, computer programs, photographs, paintings, drawings, scriptures, or similar works as one's own.

2.0 Student Evaluation and Reporting

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

- a. Arrange an office conference with the student and at that time advise the student of the allegations and make him or her aware of the supporting evidence and the probable consequences. Any classroom confrontation should be as discreet as possible. If, as a result of this meeting, the instructor believes that the student's response is insufficient to offset the charge of academic dishonesty to the extent that the student may be excused, the instructor will inform the student of the sanctions to be recommended or assessed in accordance with Section 3.0 of this policy.
- b. At the discretion of the instructor, a written report of the infraction and the action taken may be submitted to the Vice President of Student Services with a copy to the appropriate area dean.
- c. When a student, who has been informed in writing of an impending conference to discuss the alleged dishonesty, fails to attend, or when the apparent dishonesty is detected near the end of the semester and the instructor makes a good faith effort to contact the student but is unable to do so, the instructor may impose the recommended penalty and make the report called for in Section 3.1 without a conference. In either case, the student's right to appeal is preserved.

Approved by: Gavilan College Board of Trustees 8/15/95
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: May 10, 2010
Amended by the Board of Trustees: August 13, 2013

3.0 Sanctions

There shall be two major classifications of sanctions that may be imposed for violations of this policy: Academic and Administrative. Academic sanctions will be defined as those actions related to the coursework and grades, which is the province of the instructor. Administrative sanctions concern a student's status on campus and are acted on by the Vice President of Student Services. The imposition of one variety of sanction (Academic or Administrative) will not preclude the addition of the other.

3.1 Academic Sanctions

Faculty is responsible for the type of academic sanction to be applied to students involved in incidents of cheating or plagiarism. Usually a form of "grade modification" will be employed. Before sanctions can be employed, the faculty member must have verified the instances of academic dishonesty by personal observation and/or documentation. In all cases the violation should be reported to the Vice President of Student Services with a copy provided to the appropriate dean. A student may be:

- a. Reprimanded orally. A student may be referred for counseling but cannot be required to seek counseling.
- b. Failed in the evaluation instrument (paper or exam).
- c. Reduced course grade equal to the failed instrument.
- d. Referred for Administrative Sanctions

A faculty member may choose to refer a student to the Vice President of Student Services for disciplinary action in lieu of any academic sanction or in addition to the academic action the faculty member has taken.

- e. Faculty Discretion

Cases involving the careless or inept handling of quoted material but falls short of the definitions of the acts of cheating and/or plagiarism as defined in items 1.1 and 1.2 of this policy may be dealt with at the discretion of the faculty member concerned.

- f. Recommended Academic Sanctions

- Violations of quoted material, but falls short of the definitions of the acts of cheating and/or plagiarism as defined in Items 1.1 and 1.2 of the policy may be dealt with at the discretion of the faculty member concerned.
- For violation of Section 1.b, the recommended sanction shall be 3.1.b, reduction in grade or failure of that evaluation instrument.
- For violations of Sections 1.1.d and 1.1.e it is recommended that the student be referred to the Vice President of Student Services for Administrative sanction in accordance with 3.1.e. For violations of Section 1.2.b of this Policy, the recommended sanction shall be 3.1.c - reduction in course grade.

3.2 Administrative Sanctions

As stipulated in the California Administrative Code, Sanction 41301, cheating or plagiarism in connection with an academic program at a campus may warrant expulsion, suspension, probation or a lesser sanction. Administrative action involving academic dishonesty at Gavilan is the responsibility of the Vice President of Student Services according to the Standards of Student Conduct and Disciplinary and Due Process Procedures.

Approved by: Gavilan College Board of Trustees 8/15/95

Amended by the Board of Trustees: November 13, 2007

Amended by the Board of Trustees: May 10, 2010

Amended by the Board of Trustees: August 13, 2013

The Vice President of Student Services will respond to:

1. Referrals from the faculty;
2. Flagrant violations of academic standards; and
3. Repeat violations as brought to his/her attention by the faculty or through the student reports filed with the Vice President of Student Services.

The Vice President of Student Services will notify faculty members involved when action has been taken.

4.0 Protection of Rights

Nothing in this Policy is intended to deny students who come within its scope appropriate "due process", including the right to be informed of the charges, the nature of the evidence supporting the charges, and to have a meeting with the faculty member, Vice President of Student Services, or other decision-makers, at which time statements and evidence on behalf of the student may be submitted. Nor is it intended to deny the right to appeal, through appropriate college channels, any decision resulting from such a meeting.

- a. Academic sanctions may be appealed through the Vice President of Student Services in accordance with college policy.
- b. When disciplinary suspension or expulsion is being recommended as an administrative sanction, the student has the right to a formal hearing by the Gavilan College Board of Trustees (Education Code 66017).

5.0 Dissemination of Information

- a. This policy shall be published in the general catalog and the Student Handbook. There shall also be copies of this policy in every department office, in the library, in the Faculty Handbook, and copies available to all interested parties in the Office of Student Services.
- b. Dissemination of this information shall be the responsibility of the Vice President of Student Services and the Vice President of Instructional Services.
- c. The Vice President of Instructional Services shall submit to the ASB and the Faculty Senate annually a statistical report on the number and type of infractions and their eventual disposition.

Students who engage in any of the above are subject to the procedures outlined in AP 5520.

Approved by: Gavilan College Board of Trustees 8/15/95
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: May 10, 2010
Amended by the Board of Trustees: August 13, 2013

AP 5500 Standards of Student Conduct

Reference:

Education Code Section 66300 and 66301

Accreditation Standard II.A.7.b.

ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b)

Principles of Community

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.

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

Definitions

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the Superintendent/President of the District College.
3. Unlawful ~~the manufacture~~ possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.

6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of ~~the college~~ or the District.
8. Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.
9. Committing sexual harassment as defined by law or by District policies and procedures.
10. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
11. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling, social isolation or manipulation, and cyberbullying.
12. Stalking, defined as a pattern of conduct by a student with intent to follow, alarm, or harass another person, and which causes that person to reasonably fear for his or her safety, and where the student has persisted in the pattern of conduct after the student has been told to cease the pattern of conduct. Violation of a restraining order shall constitute stalking under this policy.
13. Willful misconduct which results in injury or death to a student or to District ~~college~~ personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District ~~or on campus~~.
14. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, District ~~college~~ personnel.
15. Academic dishonesty, including but not limited to: cheating, plagiarism (including plagiarism in a student publication), ~~or engaging in other academic dishonesty.~~
16. Dishonesty; forgery; alteration or misuse of District ~~college~~ documents, records or identification; or knowingly furnishing false information to the District.
17. Unauthorized entry upon or use of District ~~college~~ facilities.
18. Lewd, indecent or obscene conduct or expressions on District-owned or controlled property, or at District-sponsored or supervised functions.
19. Engaging in expression which is obscene; libelous or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
20. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
21. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.

Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled *Student Discipline Procedures*.

Academic honesty depends upon the integrity of the students and faculty. The District College itself is defrauded if faculty and/or students knowingly or unwittingly allow dishonest acts to be rewarded academically. It is the faculty's responsibility to make every reasonable effort to foster honest academic conduct. If the faculty member believes that there is evidence of academic

dishonestly on the part of a student it is the faculty member's responsibility to take appropriate action in accordance with this policy.

Students at within the Gavilan College District have the right to know what constitutes academic honesty ~~at the College~~ and in each course in which they are enrolled. Faculty members will apprise their classes of the ethical standards required in their courses and the permissible procedures in class work and examinations. A statement referring to this information as a reference for the class will be presented in the course outline (~~green sheet~~)* and/or on the individual examination questionnaires. Students will be informed of the consequences of violating these standards, their rights of appeal, and the procedures to be followed in the appeal.

1.0 Definitions of Academic Dishonesty

- a. Purposely allowing another student to copy from your paper during a test.
- b. Giving your homework term paper or other academic work to another student to plagiarize.
- c. Having another person submit any work in your name.
- d. Lying to an instructor or university official to improve your grade.
- e. Altering a graded work after it has been returned, then submitting the work for re-grading (without knowledge of the instructor).
- f. Removing test(s) from classroom or any other place without instructor's approval.
- g. Stealing tests or keys to tests.
- h. Forging signatures on drop/add slips or other college documents.

1.1 Cheating

At Gavilan, cheating is the act of obtaining or attempting to obtain credit for academic work through any dishonest, deceptive, or fraudulent means. Cheating at Gavilan includes, but is not limited to:

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

1.2 Plagiarism

- a. The act of incorporating the ideas, words, sentences, paragraphs, or parts thereof, or the specific substance of another's work without giving appropriate credit, and representing the product as one's own work.
- b. Representing another's artistic/scholarly works such as musical compositions, writings, computer programs, photographs, paintings, drawings, scriptures, or similar works as one's own.

2.0 Student Evaluation and Reporting

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

- a. Arrange an office conference with the student and at that time advise the student of the allegations and make him or her aware of the supporting evidence and the probable consequences. Any classroom confrontation should be as discreet as possible. If, as a result of this meeting, the instructor believes that the student's response is insufficient to offset the charge of academic dishonesty to the extent that the student may be excused, the instructor will inform the student of the sanctions to be recommended or assessed in accordance with Section 3.0 of this policy.
- b. At the discretion of the instructor, a written report of the infraction and the action taken may be submitted to the Vice President of ~~Student Services~~ Academic Affairs with a copy to the appropriate ~~Dean~~ area dean.
- c. When a student, who has been informed in writing of an impending conference to discuss the alleged dishonesty, fails to attend, or when the apparent dishonesty is detected near the end of the semester and the instructor makes a good faith effort to contact the student but is unable to do so, the instructor may impose the recommended penalty and make the report called for in ~~Section 2.23.1~~ without a conference. In either case, the student's right to appeal is preserved.

3.0 Sanctions

There shall be two major classifications of sanctions that may be imposed for violations of this policy: Academic and Administrative. Academic sanctions will be defined as those actions related to the coursework and grades, which is the province of the instructor. Administrative sanctions concern a student's status on campus and are acted on by the Vice President of ~~Student Services~~ Academic Affairs. The imposition of one variety of sanction (Academic or Administrative) will not preclude the addition of the other.

3.1 Academic Sanctions

Faculty is responsible for the type of academic sanction to be applied to students involved in incidents of cheating or plagiarism. Usually a form of "grade modification" will be employed. Before sanctions can be employed, the faculty member must have verified the instances of academic dishonesty by personal observation and/or documentation. In all cases the violation should be reported to the Vice President of ~~Student Services~~ Academic Affairs with a copy provided to the appropriate dean. A student may be:

- a. Reprimanded orally. A student may be referred for counseling but cannot be required to seek counseling.
- b. Failed in the evaluation instrument (paper or exam).
- c. Reduced course grade equal to the failed instrument.
- d. Referred for Administrative Sanctions

A faculty member may choose to refer a student to the Vice President of ~~Student Services~~ Academic Affairs for disciplinary action in lieu of any academic sanction or in addition to the academic action the faculty member has taken.

e. Faculty Discretion

Cases involving the careless or inept handling of quoted material but falls short of the definitions of the acts of cheating and/or plagiarism as defined in items 1.1 and 1.2 of this policy may be dealt with at the discretion of the faculty member concerned. Item 1.1.6 also requires faculty interpretation.

f. Recommended Academic Sanctions

- Violations of quoted material, but falls short of the definitions of the acts of cheating and/or plagiarism as defined in Items 1.1 and 1.2 of the policy may be dealt with at the discretion of the faculty member concerned.
- For violation of Section 1.b, the recommended sanction shall be 3.1.b, reduction in grade or failure of that evaluation instrument.
- For violations of Sections 1.1.d and 1.1.e it is recommended that the student be referred to the Vice President of Student Services for Administrative sanction in accordance with 3.1.e. For violations of Section 1.2.b of this Policy, the recommended sanction shall be 3.1.c - reduction in course grade.

3.2 Administrative Sanctions

As stipulated in the California Administrative Code, Sanction 41301, cheating or plagiarism in connection with an academic program at a campus may warrant expulsion, suspension, probation or a lesser sanction. Administrative action involving academic dishonesty at within the Gavilan College District is the responsibility of the Vice President of ~~Student Services~~ Academic Affairs according to the Standards of Student Conduct and Disciplinary and Due Process Procedures.

The Vice President of ~~Student Services~~ Academic Affairs will respond to:

1. Referrals from the faculty;
2. Flagrant violations of academic standards; and
3. Repeat violations as brought to his/her attention by the faculty or through the student reports filed with the Vice President of Academic Affairs and/or the Vice President of Student Services.

The Vice President of ~~Student Services~~ Academic Affairs will notify faculty members involved when action has been taken.

4.0 Protection of Rights

Nothing in this Policy is intended to deny students who come within its scope appropriate "due process", including the right to be informed of the charges, the nature of the evidence supporting the charges, and to have a meeting with the faculty member, Vice President of ~~Student Services~~ Academic Affairs, or other decision-makers, at which time statements and evidence on behalf of the student may be submitted. Nor is it intended to deny the right to appeal, through appropriate District college channels, any decision resulting from such a meeting.

- a. Academic sanctions may be appealed through the Vice President of ~~Student Services~~ Academic Affairs in accordance with District college policy.
- b. When disciplinary suspension or expulsion is being recommended as an administrative sanction, the student has the right to a formal hearing by the Gavilan College Board of Trustees (Education Code 66017).

5.0 Dissemination of Information

- a. This policy shall be published in the general catalog and the **Student Rights and Responsibilities and Academic Standards Handbook**. There shall also be copies of this policy in every department office, in the library, in the Faculty Handbook, and copies available to all interested parties in the Administrative Offices ~~Office of Student Services~~.
- b. Dissemination of this information shall be the responsibility of the Vice President of Student Services and the Vice President of ~~Instructional Services~~ Academic Affairs.
- c. The Vice President of ~~Instructional Services~~ Student Services shall submit to the ~~ASB~~ Associated Students of Gavilan College (ASGC) and the Academic Faculty Senate annually a statistical report by way of Maxient reporting on the number and type of infractions and their eventual disposition.

Students who engage in any of the above are subject to the procedures outlined in AP 5520.

Tentative Revision September 2017

Amended by the Board of Trustees: August 13, 2013

Amended by the Board of Trustees: May 10, 2010

Amended by the Board of Trustees: November 13, 2007

Approved by: Gavilan College Board of Trustees 8/15/95