

## AP 5010 Admissions

### Reference:

***Education Code Section 76000***

***34 Code of Federal Regulations section § 668.16(p) (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 C.F.R. § 668.16(p)***

**ACCJC Accreditation Standard II.C.6**

- Designated authority and responsibility for the admissions process is the Director of Admissions and Records/Registrar and the Vice President of Student Services.
- The Gavilan College District addresses:
- Admission procedures for students over 18 with a high school diploma
- Admission criteria and procedures for students over 18 without a high school diploma
- Admission criteria and procedures for students under 18 without a high school diploma
- Admission procedures for non-resident students that include a determination of residency status (AP 5015 titled Residence Determination)
- Publication of admissions policies and procedures

The Director of Admissions and/or Records/Registrar and the Vice President of Student Services ~~Chief Instruction Officer/Executive Vice President of Instruction~~ or designee shall be responsible for evaluating the validity of a student's high school completion if the college District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

### Tentative Revision:

Amended by the Board of Trustees: August 14, 2012

Approved by the Board of Trustees: August 13, 2002

## **AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students**

### **Reference:**

***Education Code Sections 48800; 48800.05; 76001, 76004, and 76602***

Admission criteria and procedures for younger students enrolling in community college:

- Special part-time students
- Special full-time students
- Summer school students
- Agreements between school districts(s) and the Gavilan College District
- Credit granted for courses
- Limits on the number of units for which special part-time students may enroll (see Education Code Section 76001.d for specific language)
- Procedures for denial of request for full-time enrollment, including time constraints (see Education Code Section 76001(b) for specific language)
- Procedures for recording Board findings and reasons for denial of a request for admission by a student identified as highly gifted
- Procedures for assigning a low enrollment priority to special part-time or full-time students, except for students attending a middle college high school if the student is seeking to enroll in a course that is required for the student's middle college high school program, to ensure they do not displace regularly admitted students
- Procedures for maintaining records of enrollment of these students for apportionment purposes
- Procedures for ensuring that claims for state apportionment for K-12 students meet all of the following criteria:
  - The class is open to the general public
  - The class is advertised as open to the general public in one or more of the following:
    - ✓ The college catalog
    - ✓ The regular schedule of classes
    - ✓ An addenda to the catalog or schedule

If the decision to offer a class on a high school campus is made after publication of the District's regular schedule of classes, and the class is only advertised to the general public through electronic media, the class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.

If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.

If the class is a physical education class, no more than 10 percent of the enrollment of the class may consist of special part-time or full-time students.

### **Special Part-Time Student**

To be considered for admittance as a special part-time student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

Admission is subject to seat availability. The student must submit:

- District application for admission;
- Written and signed parental or guardian consent;
- Written and signed approval of his or her principal (Note: a parent or guardian of a pupil who is not enrolled in a public or private school may petition directly without the signature of a

principal. If home schooled, verification that the school is registered with the school district in which it operates must be provided, )

- ~~Interview with a Gavilan College counselor:~~
- Complete a skill level assessment in math and English as needed:
- Provide a transcript upon request from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility for college level coursework. ~~eligibility to continue:~~
- Demonstration that the student is capable of profiting from instruction. The Vice President of Student Services or designee has the authority to make the final decision whether a student can benefit from instruction.

### **Special Full-time Student**

To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.05.

Admission is subject to seat availability. The student must submit:

- District application for admission;
- Written and signed parental or guardian consent;
- Written and signed acknowledgment of his or her principal. (Note: a pupil who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her school principal. If home schooled, verification that the school is registered with the school district in which it operates must be provided,);
- Demonstration that the student is capable of profiting from instruction;
- Interview with the Vice President of Student Services or designee ~~a Gavilan College counselor:~~
- Complete a skill level assessment in math and English as needed:
- Provide a transcript upon request from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue for college level coursework:
- Written approval of the governing board of the school district of attendance. The Vice President of Student Services or designee has the authority to make the final decision whether a student can benefit from instruction.

### **Special Summer Student**

To be considered for admission as a special summer session student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance.

Registration in a summer sessions limited to 4 5 units.

The student must submit:

- Written and signed parental or guardian consent;
- Written and signed approval of his or her principal that the student has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school of attendance; and
- Demonstration that the student has adequate preparation in the disciplines to be studied.
- ~~Interview with a Gavilan College counselor:~~
- If applicable, complete a skill level assessment in math and English:

- Provide a transcript upon request from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility for college level coursework and eligibility to continue:
- ~~All required documents shall be sent to the Vice President of Student Services.~~

All required documents shall be sent to the Director of Admissions & Records/Registrar.

### **High School Students**

For students attending high school, the Vice President of Student Services or Director of Admissions & Records/Registrar, counselor (or designee) will review the materials, and will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college. The decision of the VP of Student Services (or designee) shall be final. This determination may be done by one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with counseling staff, Registrar and/or VP of Student Services
- Consideration of the welfare and safety of the student and others; and/or
- Consideration of local, state and/or federal laws.

### **Middle and Lower School Students**

• For students attending middle and lower schools, the determination shall be made by the Vice President of Student Services (or designee). The school must provide transcripts and a letter signed by the principal indicating how in his or her opinion the student can benefit from instruction. The Vice President of Student Services (or designee) will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college, and that the student's safety and that of others will not be affected. The decision of the Vice President of Student Services (or designee) shall be final. Once a decision has been made, the student, his or her parent or guardian and the school principal shall be informed of the decision. This determination may be done by applying the following criteria one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with counseling staff, Registrar, and/or VP of Student Services
- Consideration of the welfare and safety of the student and others;
- Consideration of local, state and/or federal laws;
- Review of the content of the class in terms of sensitivity and possible effects on the minor;
- Requirements for supervision of the minor; and/or
- Times the class(es) meet and the effect on the safety of the minor.

These decisions will be made by the Vice President of Student Services or designee.

~~Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance.~~ Courses in which high school and other young students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.

If a request for special part-time or full-time enrollment is denied for a pupil who has been identified as highly gifted, the Board shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admission and the denial shall be submitted to the Board at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted.

**Tentative Revision:**

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees: August 13, 2002

## AP 5012 International Students

### Reference:

***Education Code 76141, and 76142***

***Title V5, Section 54045,***

***Title VIII8, U.S.C. Section 1101. et seq.***

- An application process that includes submission of appropriate visa information from the country of residence, including INS forms.
- Students who will be attending pursuant to an F-1 visa, submission of paperwork to substantiate issuance by the District of form I-20.
  - Applicants with F-1 visas must submit the following documents to the Admissions and Records Office by ~~May~~June 15th for the fall semester and by ~~September~~October 15 for the spring:
  - A completed application form with photograph of applicant.
  - A \$100 nonrefundable, onetime filing fee.
  - Official transcripts of secondary and post-secondary school work translated into ~~in~~ English.
- TOEFL (Test of English as a Foreign Language) Minimum Scores.
  - A minimum score of 550 ~~between 450 and 500~~ on the paper-based test is required.
  - A minimum of 213 ~~between 133 and 173~~ for the computer-based test is required. ~~for admittance to an English as a Second Language program.~~
  - A minimum of 79 for the internet based test is required. ~~Placement in English 440 (Basic Writing) or English 420 (Reading Improvement) requires a paper-based test score of 504 to 550 or a computer-based test score of 173 to 213.~~
- Residence determination, including review of whether student holds a visa that requires the student have a residence outside of the U.S., or entered the U.S. under a visa that permits entry solely for a temporary purpose.
- Exemptions from nonresident tuition as authorized by Education Code Section 76140(a)(2) for financial need.
- The financial statement, which indicates the student has the means to support his or her costs of attendance either from personal, family or governmental sources, plus a bank statement or proof thereof.
  - A photocopy of the I-20 or F-1 visa if issued by another school.

Health insurance is mandatory and must be purchased prior to applying to the Gavilan College District; or can be purchased from the Student Insurance International Student Plan available through the ~~Gavilan College~~ District.

**Tentative Approval: January 2018**

Approved by the Board of Trustees: August 13, 2002

## AP 5012 International Students

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*Education Code 76141, and 76142*  
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*Title 8, U.S.C. Section 1101. et seq.*

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- Students who will be attending pursuant to an F-1 visa, submission of paperwork to substantiate issuance by the District of form I-20.
  - Applicants with F-1 visas must submit the following documents to the Admissions and Records Office by June 15th for the fall semester and by October 15 for the spring:
    - A completed application form with photograph of applicant.
    - A \$100 nonrefundable, onetime filing fee.
    - Official transcripts of secondary and post-secondary school work in English.
- TOEFL (Test of English as a Foreign Language) scores. A score between 450 and 500 on the paper-based test and between 133 and 173 for the computer-based test is required for admittance to an English as a Second Language program. Placement in English 440 (Basic Writing) or English 420 (Reading Improvement) requires a paper-based test score of 501 to 550 or a computer-based test score of 173 to 213.
- Residence determination, including review of whether student holds a visa that requires the student have a residence outside of the U.S., or entered the U.S. under a visa that permits entry solely for a temporary purpose.
- Exemptions from nonresident tuition as authorized by Education Code Section 76140(a)(2) for financial need.
- ~~The financial statement, which indicates the student has the means to support his or her costs of attendance either from personal, family or governmental sources, plus a bank statement or proof thereof.~~
  - A photocopy of the I-20 or F-1 visa if issued by another school.

~~Health insurance is mandatory and must be purchased prior to applying to the Gavilan College District; or can be purchased from the Student Insurance International Student Plan available through Gavilan College.~~

### Tentative Approval: October 2017

Approved by the Board of Trustees: August 13, 2002

## AP 5015 Residence Determination

### Reference:

***Education Code Section 68000 et seq.; 68130.5, and 68075.7***  
***Title V5, Sections 54000 et seq.;***  
***38 U.S. Code Section 3679***

### Residence Classification

Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for at least two (2) consecutive semesters more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding ~~proceeding~~ the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Admissions and Records Office or the Registrar or designee

Students must be notified of residence determination within 14 calendar days of submission of application if no additional document from the student required/requested.

The District shall publish the residence determination date and the summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto.

### Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a non-resident.

The residence ~~residents~~ of each student enrolled in ~~our~~ or applying for enrollment in any class or classes maintained by the District shall be determined in accordance with the Education Code ~~with~~ which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen (18) years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.



## Determination of Resident Status

A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he or she has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if ~~each~~ the student meets any of the following requirements:
  - He or she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
  - He or she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
  - He or she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
  - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than ~~one~~ one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California, or a community college, or any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
- A student who is a biological ~~natural~~ or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside the state or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/ her resident classification, so long as he/she remains continuously enrolled within the District.
- A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for

the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her resident classification, so long as he or she remains continuously enrolled in the District.

- A veteran who was discharged or released from at least ninety (90) days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her dependents, regardless of the veterans' state of residence is entitled to resident classification.
- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California and enrolls at Gavilan College within three years of the Service Member's death in the line of duty following a period of active duty services of ninety (90) days or more.
- ~~A student who was a member of armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.~~
- A student who is a minor and resides with his or her parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his or her biological ~~natural~~ or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the ~~to~~ two (2) preceding years, and the parent resides in the district and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he or she has sufficient income to have personal income tax liability, shall be entitled to resident classification.
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she intends to establish residency in California as soon as possible.

## **Right To Appeal**

Students who have been classified as non-residents have the right to a review of their classification (Title 5V, Section 54010 (a)). Any student, following a final decision of residence classification by the Admissions & Records/Registrar's Office, may make written appeal to the Vice President of Student Services or designee within thirty (30) calendar days of notification of final decision by the college regarding classification.

## **Appeal Procedure**

The appeal is to be submitted to the Director of Admissions & Records/Registrar's Office, which must forward it to the Vice President of Student Services or designee within five (5) working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Vice President of Student Services or designee shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within thirty (30) calendar days of receipt, the Vice President of Student Services or designee shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

## **Reclassification**

A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

Petitions are to be submitted to the Admissions & Records/Registrar's Office.

Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college District. (Education Code Section 68044)

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his or her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his or her parent during the calendar year the reclassification application is made;

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5, Sections 54020, 54022 and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one-year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be

overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Vice President of Student Services or designee will make a determination, based on the evidence and notify the student not later than fourteen (14) days of receipt of the petition for reclassification.

Students have the right to appeal according to the procedures above.

### **Non-Citizens**

The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him or her to live permanently in the United States and she or he meets the California residency requirements, the student can be classified as a resident.

Any students who are U.S. citizens, permanent residents of the U.S., and foreigners ~~aliens~~ who are not non-immigrants (including those who are undocumented) may be exempt from paying non-resident tuition if they meet the following requirements:

- High school attendance in California for three or more years;
- Attained credits earned in California from a California high school equivalent to three (3) or more years of full-time high school coursework and a total of three (3) years or more of attendance in California elementary schools, California secondary schools, or a combination of those schools;
- Graduation from a California high school or attainment of the equivalent thereof;
- Registration or enrollment in a course offered by any college in the district for any term commencing on or after January 1, 2002;
- Completion of a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this non-resident tuition exemption and,
- In the case of a student without lawful immigration status:
  - The filing of an affidavit that the student has filed an application to legalize his or her immigration status, or
  - will file an application as soon as he or she is eligible to do so.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. The Vice President of Student Services or designee makes final residency determination. Students may appeal the decision.

### **Tentative Revision:**

Amended by the Board of Trustees: August 14, 2013

Amended by the Board of Trustees: August 14, 2007

Approved by the Board of Trustees: August 13, 2002

## AP 5030 Fees

### Reference:

***Education Code Section 70902(b)(9), 76300, 76001, 78032 (d), 76300.5, and 66205.3;***

***Title 5V, Sections 51012, 58520, and 58629***

***California Community College Chancellor's Office (CCCCO) Student Fee Handbook***

***ACCJC Accreditation Standard I.C.6***

### Required fees include:

- Enrollment (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- Baccalaureate degree pilot program fees (Title V Section 58520)
- Nonresident tuition with these permissive exemptions (Education Code Section 76140 and 76140.5):
  - All non-resident students enrolling for 6 or fewer units (except for international students); or
  - A student who is a citizen and resident of a foreign country who demonstrates financial need
  - and this required exemption (Education Code Section 68130.5);
- All students, other than non-immigrant foreigners ~~aliens~~ under 8 U.S.C. 110(a)(15), who meet the following requirements:
  - Attended a high school (public or private) High school attendance in California for three (3) or more years, or
  - Attained credits earned in California Graduation from a California high school or ~~attainment of the equivalent thereof to three (3) or more years of full-time high school~~ course work and attended a combination of elementary, middle, and/or high schools in California for a total of three (3) or more years;
  - Registration or enrollment in a course offered for any term commencing on or after January 1, 20024;
  - The student must have graduated from a California high school or attained the equivalent prior to the start of the term (for example, passing the GED or California High School Proficiency Exam);
  - The student must file an exemption request Completion of a questionnaire form prescribed by the Chancellor verifying eligibility for this non-resident tuition exemption; and
  - In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

### Fees authorized by law include:

- Non-District physical education facilities (Education Code 76395)
- Noncredit courses (Education Code Section 76385)
- Community services courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title V5, Section 59400 and 59408)
- Athletic insurance ((Education Code Section 70902(b)(9))

- Cross-enrollment with the California State University (CSU) or University of California (UC) (Education Code Section 66753)
- Health (Education Code Section 76355)
- Parking (Education Code Section 76360)
- Transportation (Education Code Section 76361 and 82305.6)
- Student representation (Education Code Section 76060.5; Title V5, Sections 54801 and 54805)
- Student Center (Education Code Section 76375; Title V5, Section 58510)
- Copies of student records (Education Code Section 76223)
- Dormitory (Education Code Section 81670)
- Child care (Education Code Section 79121 et seq. and 66060)
- Non-resident capital outlay (Education Code Section 76141)
- Non-resident application processing (Education Code Section 76142)
- Credit by Examination (Education Code Section 76300, Title V5, Section 55050)
- Use of facilities financed by revenue bonds (Education Code Section 81901(b)(3))
- Refund processing (Title V5, Section 58508)
- Telephone registration (Education Code Section 70902(a))
- Physical fitness test (Education Code Section 70902(b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- Credit Card Use (Education Code Section 70902(b)(9))
- International Student Medical Insurance (Education Code Section 70902(b)(9))

Prohibited Fees Include:

- Late application (CCCCO Student Fee Handbook)
- Add/Drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)
- Student Body Organization (CCCCO Student Fee Handbook)
- Non-Resident application (CCCCO Student Fee Handbook)
- Field trip (Title V5, Sections 55450 and 55451)
- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001, terrorist attacks (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Technology fee (CCCCO Student Fee Handbook)

- Late payment fee (CCCCO Student Fee Handbook)
- Nursing/healing arts student liability insurance (Title V5, Section 55234)
- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

### **Collection and Refund of Fees**

- Fees to be collected when enacted by the Legislature following registration by the student
- Fees collected in error
- Fees refundable because of a reduction in the educational program of the District
- Fees refundable because of the student's reduction in units or withdrawal from an education program
- Fees refundable because of changes in law or regulation authorizing and establishing enrollment fees.
- Notice to students of availability of exemptions from certain mandatory and authorized fees.

### **Waiver of Fees**

The District may waive enrollment fees which were not collected in a previous session where the enrollment fees were not collected as a result of the District's error in awarding a Board of Governors Fee Waiver to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

Individuals qualifying for programs under AB 2364 are considered exempt, non-residential special "part time" students (other than those with non-immigrant status, such as those present in the United States on a B Visitor Visa") from the non-resident tuition fee and expressly allows the District to report their attendance as resident FTES for apportionment purposes. (AP 5020).

### **Tentative Revision:**

Amended by the Board of Trustees: August 13, 2012  
 Approved by the Board of Trustees: August 13, 2002

## AP 5031 Instructional Materials Fees

### Reference:

***Education Code Section 76365  
Title 5V Section 59400 et seq.***

Students may be required to ~~provide~~ purchase instructional materials ~~required~~ for a credit or non-credit course. Such materials shall be of continuing value to a student outside of the classroom setting and shall not be solely or exclusively available from the District.

Required instructional materials shall not include materials used or designed primarily for administrative purposes, class management, course management or supervision.

Where instructional materials are available to a student temporarily through a license or access fee, the student shall be provided options at the time of purchase to maintain full access to the instructional materials for varying periods of time ranging from the length of the class up to at least two years. The terms of the license or access fee shall be provided to the student in a clear and understandable manner prior to purchase.

Instructors shall take reasonable steps to minimize the cost of instructional materials.

The District will publish this information in the schedule - online and printed.

### Definitions

- “Required ~~in~~structional”  
Materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which the instructor determines in necessary to achieve the required objectives of a course.
- “Solely or Exclusively Available from the District”  
Material is available only through the District, or that the District requires that the instructional material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the District if it is provided to the student at the District’s actual cost and:
  - Material is otherwise generally available, but is provided solely or exclusively by the District for health and safety reasons; or
  - Material is provided in lieu of other generally available but more expensive material which would otherwise be required.
- “Required Instructional Materials Which Are of Continuing Value Outside of the Classroom Setting”  
Materials which can be taken from the classroom setting and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course to be accomplished under the supervision of an instructor during the class.

### Establishing Required Materials and Related Fees

Materials and related fees may be established/determined by one or more of the following methods:

- Need of material(s);
- Procurement of material(s)
- Procedures for publishing and collecting fees.
- Responsibility of research data and responding to the State Chancellor’s Office inquiries regarding these fees (where applicable).

### Tentative Approval:

Approved by the Board of Trustees: August 13, 2002



## AP 5013 Students in the Military

### Reference:

***Education Code Sections 68074, 68075, 68075.5, and 68075.7;***  
***Title V Sections 55023, 55024, 54041, 54042, 54050, and 58620***  
***Military and Veterans Code Section 824;***  
***38 U.S. Code Section 3679***

### Residence Determinations for Military Personnel and Dependents

- A student who is a member of the armed forces of the United States stationed in California on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.
- An undergraduate student who is a biological natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. Such student shall retain resident classification if he or she is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.
- A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran's state of residence is entitled to resident classification.
- ~~A student who was a member of the armed forces of the United States stationed in California on active duty for more than one (1) year immediately prior to being discharged from the armed forces is entitled to resident classification of the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.~~
- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California and enrolls in the District within three years of the Service Member's death in the line of duty following a period of active duty service of 90 days or more is entitled to resident classification.
- A parent who is a federal civil service employee and his or her biological natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date.  
(Title 5, Sections 54041; 54042)

### **Withdrawal Policies for Members of the Military**

- A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a “W” or a “MW”.
- Military withdrawal shall not be counted in progress probation or dismissal calculations or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an “FW” grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.
- Students seeking withdrawal in this circumstance must do so through the Director of Admission and Records/Registrar, Vice President of Student Services or designee.

Reference: AP 4230, AP 4233

### **Tentative Revision:**

Amended by the Board of Trustees: August 14, 2012

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees: August 13, 2002

## **AP 5070 Attendance**

### **Reference:**

***Title V5, Sections 58000 et seq.***

The Gavilan College District administration will carry out the provisions of Section 58030 of Title V5, California Administrative Code by implementing the requirements, regulations, and guidelines of the "Student Attendance Accounting Manual," revised edition, September 1996, as provided by the Chancellor's Office, California Community Colleges.

Further, the direct responsibility for the implementation, retention of related documents, and audit trail documentation will be vested in the Director of Admissions and Records/Registrar at for the Gavilan College District.

Requirements include the following broad areas:

- Computation of units of full time equivalent student (FTES) based on the type of course, the way the course is scheduled, and the length of the course
- Selection of a single primary term length for credit courses
- Reporting of FTES during the "first period" (between July 1 and December 31) and "second period" (between July 1 and April 15)
- Compliance with census procedures prescribed by the state Chancellor's Office for all credit courses, including work experience, independent study, and credit courses being reported on an actual attendance basis
- Preparation of census day procedure tabulations
- Preparation of actual student contact hours of attendance procedure tabulations
- Preparation (as applicable) of actual apprentice hours of teaching procedure tabulations
- Preparation of support documentation regarding all course enrollment, attendance and disenrollment information.

Computation of FTES that includes only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the District authorized to render service in the capacity and during the period in which he or she served.

~~Maintenance of the colleges in the District for at least 175 days during the fiscal year.~~

### **Tentative Approve:**

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 complaints 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 District 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 employee ~~s~~ who shall assist students in seeking resolution by informal means. ~~They~~ This person shall be called the **Grievance Officers**. The Grievance Officer for student conduct related issues is the Vice President of Student Services, the Grievance Officer for instructional related issues is the Vice President of Academic Affairs, and the Grievance Officer for issues regarding safety/security and harassment (of any kind) is the Vice President of Administrative Services. The Grievance Officers and the student may also seek the assistance from the Associated Student of Gavilan College ~~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 only after the Informal Resolution Process was unsuccessful and 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.

~~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.~~

### **Student Problem/Grievance Resolution Process Informal Resolution of Grievances Involving District Employees**

- **Step 1**

Within ten (10) school days following an incident, a student must meet with the person with whom he/she has a problem. The student may bring another person of their choice (i.e., staff, friend, student) to the meeting. This person is not to speak for the student, but may provide support.

If the student is dissatisfied, the student must notify the staff person that they will be taking the problem to the next step, Step 2.

~~The student shall confer with the faculty member, administrator or staff person directly involved in the facts giving rise to the grievance.~~

- **Step 2**

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

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

~~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**

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

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

~~If unresolved after Step 2, the student shall confer with the vice president of that dean's or supervisor's division.~~

- **Step 4**

Within ten (10) school days of Step 3, the student must meet with the appropriate Grievance Officer (Vice President of the area as noted in INFORMAL RESOLUTION OF GRIEVANCES section).

During this meeting the outcomes of prior discussions will be reviewed and proposed resolutions discussed.

If the student is still dissatisfied, within five (5) school days, the student must notify the Grievance Officer with whom they met in Step 4, that a hearing committee review is requested to resolve the issue. This request will be forwarded to the

Superintendent/President who, within five (5) school days from receiving the request, will convene a hearing committee at a time to be determined by the Superintendent/President. 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**

Within five (5) school days after receiving a request, the Superintendent/President will request that the appropriate Grievance Officer ~~Vice-President~~ convene a committee to hear the issue.

This committee will be composed of:

- One (1) student appointed by the ASGC
- One (1) faculty member from an unrelated discipline appointed by the District's Academic Senate
- One (1) faculty member appointed by the Counseling Department chairperson
- One (1) member classified staff member from an unrelated discipline appointed by the District's classified/support staff (CSEA) president
- One (1) area dean or vice president from an unrelated area appointed by the Superintendent/President.
- The department chairperson or supervisor from the area involved.

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

If either the student or the District member is not satisfied with the Hearing Committee's recommendations, they may appeal and proceed to Step 6. The student must request an appeal within five (5) school days after the Hearing Committee's recommendations were received by the student and the related District member.

Otherwise, the resolution process is closed and there is no appeal.

~~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.~~

- **Step 6**

A student may appeal to the District Superintendent/President.

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

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

- **Step 7**

A written appeal may be made to the District's Board of Trustees.

The Board must respond in writing within thirty-five (35) school days of receiving the written appeal.

This is the last step in the Districts Problem Resolution Process. Decisions at this level are final.

**Grievance Hearing Committee:**

The Superintendent/President of the District College may at the beginning of each semester, including any summer session, establish a standing panel of up to fourteen

(14) 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 of Gavilan College ~~Organization~~ and the ~~Academic Faculty~~ Senate, who shall each submit two (2) names to the Superintendent/President for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include participation as indicated in Step 5 ~~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, the Superintendent/President 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.
- 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 ~~on~~ 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 (ten)~~ 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 appropriate ~~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~~ 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) (five)~~ 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:**

Approved by the Board of Trustees August 13, 2002

## **AP 5610 Voter Registration**

### **References:**

**20 U.S. Code Section 1094(a)(23)(A)**

**34 CFR Section 668.14(d)(1)**

- The Gavilan Community College District is a registered Santa Clara County ballot drop off location.
- The Gavilan Community College District posts a link to the California Secretary of State's voter registration website on the Gavilan College website as directed by the California Secretary of State.
- The Gavilan Community College District complies with the California Secretary of State Student Voter Registration Act of 2003 (Elections Code sections 2145-2148).
- The Gavilan Community College District cooperates with the following:
  - Districts that operate an automated class registration system, on or before January 1, 2008, must allow students to coordinate with the Secretary of State during the class registration process to receive voter information.
  - Districts that do not operate an automated class registration system, on or before January 1, 2008, may implement an automated voter registration system within two years of when they begin operation of an automated class registration system
  - Districts must designate a contact person to be contacted by the Secretary of State for distribution of voter registration cards.

**NEW**

# **AP 5800 Prevention of Identity Theft in Student Financial Transactions**

## **Reference:**

**15 U.S. Code Section 1681m(e) (Fair and Accurate Credit Transactions Act (FACT ACT or FACTA))**

## **I. The Purpose of the Identity Theft Prevention Program**

The purpose of this Identity Theft Prevention Program (ITPP) is to control reasonably foreseeable risks to students from identity theft, by providing for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft.

## **II. Definitions**

- **Identity Theft**  
is a fraud attempted or committed using identifying information of another person without authority.
- **Creditor**  
A “creditor” includes government entities who defer payment for goods (for example, payment plans for bookstore accounts or parking tickets), issued loans or issued student debit cards. Government entities that defer payment for services provided are not considered creditors for purposes of this ITPP.
- **Deferring Payments**  
Refers to postponing payments to a future date and/or installment payments on fines or costs.
- **Covered Account**  
Includes one that involves multiple payments or transactions.
- **Person**  
Any individual who is receiving goods, receives a loan, and/or is issued a debit card from the District and is making payments on a deferred basis for said goods, loan, and/or debit card.
- **Red Flag**  
Detection or discovery of a “Red Flag” implicates the need to take action under this ITPP to help prevent, detect, and correct identity theft.

## **III. Detecting “Red Flags” For Potential Identity Theft**

### **1. Risk Factors for Identifying “Red Flags”**

The District will consider the following factors in identifying relevant “Red Flags:”

- The types of covered accounts the District offers or maintains;
- The methods the District provides to open the District’s covered accounts;
- The methods the District provides to access the District’s covered accounts; and
- The District’s previous experience(s) with identity theft.

### **2. Sources of “Red Flags”**

The District will continue to incorporate relevant “Red Flags” into this ITPP from the following sources:

- incidents of identity theft that the District has experienced;
- methods of identity theft that the District identifies that reflects changes in identity theft risks; and
- guidance from the District’s supervisor’s who identify changes in identity theft risks.

### 3. Categories of “Red Flags”

The following Red Flags have been identified for the District’s covered accounts:

- Alerts, Notifications, or Warnings from a Consumer Reporting Agency
- 1. A fraud or active duty alert is included with a consumer report the District receives as part of a background check.
- 2. A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- 3. A consumer reporting agency provides a notice of address discrepancy. An address discrepancy occurs when an address provided by a student substantially differs from the one the credit reporting agency has on file. See Section (V)(9) for specific steps that must be taken to address this situation.
- 4. A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant, such as:
  - A recent and significant increase in the volume of inquiries;
  - An unusual number of recently established credit relationships;
  - A material change in the use of credit, especially with respect to recently established credit relationships; or
  - An account that was closed for cause or identified for abuse of account privileges by a creditor or financial institution.
- Suspicious Documents
  - i. Documents provided for identification appear to have been forged or altered.
  - ii. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
  - iii. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
  - iv. Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check.
  - v. An application appears to have been altered or forged, or gives the appearance of having been destroyed or reassembled.
- Suspicious Personally Identifying Information
  - i. Personal identifying information provided is inconsistent when compared against external information sources used by the District.

For example:

    - a) The address does not match any address in the consumer report; or
    - b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration’s Death Master File.
  - ii. Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.
  - iii. Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources use by the District. For example:
    - a) The address on an application is the same as the address provided on a fraudulent application;
    - b) The phone number on an application is the same as the phone number provided on a fraudulent application;

- iv. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:
  - a) The address on an application is fictitious, a mail drop, or a prison; or
  - b) The phone number is invalid, or is associated with a pager or answering service.
- v. The SSN provided is the same as that submitted by other persons currently being served by the District.
- vi. The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.
- vii. The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- viii. Personal identifying information provided is not consistent with personal identifying information that is on file with the District.
- ix. The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- *Unusual Use Of – Or Suspicious Activity Relating To – A Covered Account*
  - i. A new covered account is used in a manner that is commonly associated with known patterns of fraud patterns. For example, a person makes a first payment, but there are no subsequent payments made.
  - ii. A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example, there is:
    - a) Nonpayment when there is no history of late or missed payments; or
    - b) A material change in electronic fund transfer patterns in connection with a payment.
  - iii. A covered account that has been inactive for a reasonably lengthy period of time is suddenly used or active.
  - iv. Mail sent to the person holding the covered account is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the person's covered account.
  - v. The District is notified that the person is not receiving paper account statements.
  - vi. The District is notified of unauthorized transactions in connection with a person's covered account.
- *Notices From Customers/Persons, Victims of Identity Theft, Law Enforcement Authorities, or Other Businesses About Possible Identity Theft in Connection with Covered Accounts*
  - i. The District is notified by a person with a covered account, a victim of identity theft, a law enforcement authority, or any other person, that it has opened a fraudulent account for a person engaged in identity theft.

#### **IV. Measures to Detect "Red Flags"**

The District shall do the following to aid in the detection of "Red Flags:"

1. When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two forms of identification shall be obtained (at least one of which must be a photo identification).

The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: valid state-issued driver's license, valid state-issued identification card, current passport, a Social Security Card, current residential lease, or copy of a deed to the person's home or invoice/statement for property taxes.

Persons with covered accounts who request a change in their personal information on file, such as a change of address, will have the requested changes verified by the District.

The person shall provide at least one written form of verification reflecting the requested changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

#### **V. Preventing and Mitigating Identity Theft**

One or more of the following measures, as deemed appropriate under the particular circumstances, shall be implemented to respond to "Red Flags" that are detected:

1. Monitor the covered account for evidence of identity theft;
2. Contact the person who holds the covered account;
3. Change any passwords, security codes, or other security devices that permit access to a covered account;
4. Reopen the covered account with a new account number;
5. Not open a new covered account for the person;
6. Close an existing covered account;
7. Not attempt to collect on a covered account or not sell a covered account to a debt collector;
8. Notifying law enforcement;
9. Where a consumer reporting agency provides an address for a consumer that substantially differs from the address that the consumer provided, the District shall take the necessary steps to for a reasonable belief that the District knows the identity of the person for whom the District obtained a credit report, and reconcile the address of the consumer with the credit reporting agency, if the District establishes a continuing relationship with the consumer , and regularly, and in the course of business, provides information to the credit reporting agency; or
10. Determine that no response is warranted under the particular circumstances.

#### **VI. Updating the ITPP**

The District shall update this ITPP on an annual basis to reflect changes in risks to persons with covered accounts, and/or to reflect changes in risks to the safety and soundness of the District from identity theft, based on the following factors:

1. The experiences of the District with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent and mitigate identity theft;
4. Changes in the types of covered accounts that the District maintains;
5. Changes in the business arrangements of the District, including service provider arrangements.

## **VII. Methods for Administering the ITPP**

### **1. Oversight of the ITPP**

Oversight by the District's Director of Information Services shall include:

- Assigning specific responsibility for the ITPP's implementation;
- Reviewing reports prepared by the staff regarding compliance of the ITPP; and
- Approving material changes to the ITPP as necessary to address changing identity theft risks.

### **2. Reports**

- *In General*

Staff responsible for the development, implementation, and administration of this ITPP shall report to the Governing Board on an annual basis.

- *Contents of Report*

The report shall address material matters to the ITPP and evaluate the following issues: the effectiveness of the policies and procedures in addressing the risk of identity theft in connection with opening new covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the ITPP.

- *Oversight of Service Provider Arrangements*

Whenever the District engages a service provider to perform an activity in connection with one or more covered accounts the District shall take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. To that end, the District shall require our service contractors, by contract, to have policies and procedures to detect relevant "Red Flags" that may arise in the performance of the service provider's activities, and either report the "Red Flags" to the District, or to take appropriate steps to prevent or mitigate identity theft.

**NEW**

**Approved:**