

BP 5010 Admissions

Reference:

Education Code Section 76000; 76001, and 76002, and 76038

Labor Code Section 3077

34 Code of Federal Regulations. § 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)

ACCJC Accreditation Standard II.C.6

The District shall admit students who meet one of the following requirements and who are capable of profiting from the instruction offered:

- Any person over the age of 18 and possessing a high school diploma or its equivalent.
- Other persons who are ~~over~~ under the age of 18 years and who, in the judgment of the President/Superintendent of the ~~College~~ District or designee are capable of profiting from the instruction offered. Such persons shall be admitted as provisional students, and thereafter shall be required to comply with the District's rules and regulations regarding scholastic achievement and other standards to be met by provisional or probationary students as a condition to being readmitted in any succeeding semester.
- Persons who are apprentices as defined in Section 3077 of the Labor Code.
- The District may deny or place conditions on a student's enrollment upon a finding by the Board or designee that the applicant has been expelled within the preceding five years or is undergoing expulsion procedures in another California community college district, and that the applicant continues to present a danger to the physical safety of the students and employees of the District.
- The District shall in its discretion, or as otherwise federally mandated, evaluate the validity of a student's high school completion. The Registrar, Vice President of Student Services, or designee, shall establish procedures for evaluating the validity of a student's high school completion.
- Admission
 - Any student whose age or class level is equal to completed ~~10th 9th~~ 8th grade is eligible to attend as a special part-time student for advanced scholastic or vocational courses.
 - Any student whose age or class level is equal to ~~the completed 10th 9th~~ 8th grade is eligible to attend as a special full-time student (Exception indicated in AP 5011)
 - Any student who has completed ~~whose age or class level has completed the 10th 9th 8th through 12th grade student may~~ is eligible to attend summer session.
 - The Registrar and/or the Vice President of Student Services shall establish procedures regarding ability to benefit and the admission of high school students who have completed the ~~10th 8th~~ 8th grade

Denial of Requests for Admission

- If the Board denies a request for special full time or part time enrollment by a pupil who is identified as highly gifted, the Board will record its findings and the reason for denying the request in writing within 60 days.
- The written recommendation and denial shall be issued at the next regularly scheduled ~~B~~board meeting that occurs at least 30 days after the pupil submits the request to the district.

- The Registrar and/or the Vice President of Student Services shall establish procedures regarding evaluation of requests for special full time or part time enrollment by a pupil who is identified as highly gifted.

Claims for State Apportionment for Concurrent Enrollment

- Claims for state apportionment submitted by the district based on enrollment of high school pupils shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors.
- The Registrar and/or the Vice President of Student Services shall establish procedures regarding compliance with statutory and regulatory criteria for concurrent enrollment.

See Administrative Procedures #5010

Tentative Revision:

Approved by the Board of Trustees: October 9, 2012

Approved by the Board of Trustees: August 13, 2002

BP 5015 Residence Determination

Reference:

***Education Code Sections 68040; 76140
Title V5, Sections 54000, et seq.***

Students shall be classified at the time of each application for admission or registration as a resident or nonresident student.

A resident is any person who has been a bona fide resident of California for at least one year and a day on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester, intersession or summer session for which the student applies to attend.

Residence classification shall be made for each student at the time application for admission is accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date.

The Superintendent/President of the District College shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title V 5 regulations.

See Administrative Procedures #5015

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 employees 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

BP 5070 Attendance

Reference:

Title V, Sections 58000 et seq.

Education Code Sections 76000, 76001, 76002, 84500, and 84501

California Community Colleges Student Attendance Accounting Manual

The Superintendent/President of the Gavilan College District or a designee shall establish procedures to ensure attendance accounting, census reporting and apportionment reporting in compliance with Title V and the Student Attendance Accounting Manual. Therefore, in accordance with state guidelines, procedures shall be established to document all course enrollment, attendance, and disenrollment information. This information will be reported three (3) times per year in the District's Apportionment Attendance Report (320 Report).

Superintendent/President is committed to ensuring the accuracy of the computation of student attendance while students are engaged in educational activities.

NEW

Approved:

BP 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)

The Gavilan Community College District is required to provide for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft of students when the District serves as a creditor in relation to its students.

When applicable, the Superintendent/President of the District is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

See Administrative Procedures #5800

NEW

Approved: