

## AP 5045 Student Records - Challenging Content and Access Log

### Reference:

***Education Code Sections 76222 and 76232  
Title V 5 Section 54630***

### Challenging Content

Any student may file a written request with the Registrar/Director of Admissions and Records to correct or remove information recorded in his or her student records that the student alleges to be:

1. Inaccurate
2. ~~A~~an unsubstantiated personal conclusion or inference
3. ~~A~~a conclusion or inference outside of the observer's area of competence; or
4. ~~N~~ot based on the personal observation of a named person with the time and place of the observation noted.

Within thirty (30) days of receipt of the request, the Vice President of Student Services or designee shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the ~~community college~~ District. The Registrar/Director of Admissions and Records shall then sustain or deny the allegations.

If the Registrar/Director of Admissions and Records sustains any or all of the allegations, he or she shall order the correction or removal and destruction of the information. If the Registrar/Director of Admissions and Records denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within thirty (30) days of the refusal, may appeal the decision in writing.

Within thirty (30) days of receipt of an appeal, the governing board shall, in closed session with the student and the employee who recorded the information in question, determine whether to sustain or deny the allegations. If the governing board sustains any or all of the allegations, it shall order the Superintendent/President of the ~~College~~ District or ~~his or her~~ designee, to immediately correct or remove and destroy the information. The decision of the governing board shall be final.

If the final decision is unfavorable to the student, the student shall have the right to submit a written statement of his or her objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

Whenever there is included in any student record information concerning any disciplinary action, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Whenever there is included in any student record information concerning any disciplinary action in connection with any alleged sexual assault or physical abuse, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three (3) days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

**Access Log**

A log or record shall be maintained for each student's record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing need not include any of the following:

- Students seeking access to their own records;
- Parties to whom directory information is released;
- Parties for whom written consent has been executed by the student;
- Officials or employees having a legitimate educational interest.

The log or record shall be open to inspection only by the student and the Vice President of Student Services or designee, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

**Tentative Revision:**

Approved by the Board of Trustees: August 13, 2002

## **AP 5052 Open Enrollment (~~Challenge of Enrollment Limitations~~)**

### **Reference:**

***Title V5, Sections 51006, 58106 and 58108***

Unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be reported for state aid shall be fully open to enrollment and participation by any person who has been admitted to the college and who meets all prerequisites. Class enrollment is limited by size of facility and program content. The Gavilan College District is in full compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with disabilities Act of 1990.

All courses with the District shall be open to enrollment in accordance with a priority system consistent with Administrative Procedure 5055. Enrollment may be limited to student meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as determined by the Vice President of Academic Affairs ~~Instructional Services~~ or designee.

A student may challenge an enrollment limitation on any of the following grounds:

- The limitation is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
- The District is not following its enrollment procedures;
- The basis for the limitation does not in fact exist.

See Administrative Procedure 5050

### **Tentative Revision:**

Approved by the Board of Trustees August 13, 2002

## **AP 5120 Transfer Center**

### **Reference:**

***Title V5, Section 51027***

***Education Code section 66720 - 66744***

The Gavilan College District has a Transfer Center Plan that complies with the requirements of Title V5. The plan identifies appropriate target student populations and is designed to increase the transfer applications of underrepresented students among transfer students.

Plan components include, but are not limited to:

- Services to be provided to students
- Facilities
- Staffing
- An advisory committee
- Evaluation and reporting
- Transfer path requirements for each articulated baccalaureate major

The Transfer Center Plan is reviewed annually. Modifications/revisions are made collaboratively between the Vice President of Student Services, Counseling Department and Transfer Center Specialist.

The Transfer Center Plan is submitted to the Board of Trustees each year for review, input and approval.

The Transfer Center Plan is located in the Transfer Center, Counseling Department Chair office and the Vice President of Student Services' oOffice.

### **Tentative Revision:**

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees August 13, 2002

## AP 5150 Extended Opportunity Programs and Services (EOPS)

### Reference:

***Education Code Sections 69640-69656  
Title V5, Sections 56200 et seq.***

The EOPS Program provides over and above support services to students with educational, social and economic disadvantages.

- The EOPS Program shall be staffed by a certificated full-time director, counselors and other support staff approved by the governing board of the community college district.
- The EOPS Program shall have an Advisory Committee appointed by the President of the College upon recommendation of the Associate Dean of EOPS/CalWORKS. The purpose of the advisory committee is to assist the College in developing and maintaining effective Extended Opportunity Programs and Services. The Advisory Committee should include representation from District~~College~~ personnel, EOPS students, local high schools, community and business sectors and four-year colleges where possible. The Advisory shall meet at least once during each year.

### Student Responsibility Requirements

In order to be eligible to receive programs and services a student must be a resident of California and:

- Be enrolled full-time when accepted into the EOPS Program. The Associate Dean of EOPS/CalWORKS may authorize up to 10% of EOPS students accepted to be enrolled for nine (9) units.
- Not have completed more than 70-degree applicable credit coursework.
- Qualify to receive a Board of Governors Grant.
- Be educationally disadvantaged as determined by the Associate Dean of EOPS/CalWORKS or designee.
- To remain eligible to receive programs and services students shall:
  - Apply for state and/or federal financial aid.
  - Maintain academic progress toward a certificate, associate degree, or transfer goal.
  - File an initial EOPS application and complete and adhere to a student educational plan and an EOPS mutual responsibility contract.
- Outreach, orientation and registration services shall include:
  - Outreach and recruitment to increase the number of EOPS eligible students who enroll at the College.
  - Orientation to familiarize EOPS eligible students with EOPS programs and services, and College procedures.
  - Registration assistance for priority enrollment.

### Assessments

Each EOPS eligible student shall be assessed using instruments and methods, which the Superintendent/President of the Gavilan College District has certified, are reliable, valid and appropriate for students being assessed.

### **Basic Skills Instruction, Seminars, and Tutorial Assistance**

The Gavilan College District shall provide basic skills instruction and tutoring services to EOPS eligible students who, on the basis of assessments and counseling, need such services to succeed in reaching their educational goals.

### **Counseling and Retention Services**

The EOPS Program shall provide academic, personal and career counseling and advisement to EOPS eligible students of at least three contact sessions per term.

### **Career, Transfer and Employment Services**

The Gavilan College District shall provide assistance to EOPS eligible students to transfer to four-year institutions and/or to find career employment in their field of training. Appropriate DistrictCollege and EOPS staff shall attempt to articulate coursework and support services needed by EOPS students with four-year institutional staff.

### **Direct Aid**

Financial assistance in the form of EOPS grants and work study shall be awarded to EOPS eligible students for the purpose of reducing potential student loan indebtedness, or to reduce unmet financial need, after Pell grants and other state, federal, or institutional financial aid has been awarded to the student.

### **Establishment of Objectives to Achieve the Goals in Implementing EOPS**

The EOPS Program plan shall ensure that Gavilan College District strives to achieve and maintain racial, ethnic and gender composition among income eligible students, which matches the composition of those who reside in the College service area.

Priority in outreach and recruitment activities shall be directed towards correcting the greatest under representation among students served.

Additionally, priority among underrepresented students shall be given to serving individuals who are first in their family to attend college.

- Priority in serving students enrolled at the District College shall be:
  - Serving continuing EOPS students with the lowest income.
  - Serving continuing EOPS students transferring from another EOPS program.
  - Serving first-time EOPS students with the lowest income.
- The EOPS Plan shall address the following:
  - The long-term goals of the EOPS Program in supporting the goals of the District College. The objectives of the EOPS Program to be attained.
  - The activities to be undertaken to achieve the objectives.
  - An operating budget, which indicates the planned expenditures of EOPS funds.
  - The number of student to be served.
  - An evaluation of the results achieved in the prior year of funding.

### **Program Evaluation**

Each college having an approved plan shall participate annually in an evaluation of the effectiveness of the program, which shall be conducted by the Chancellor. The annual evaluation may include on-site operational reviews, audits, and measurements of student success in achieving their educational objectives.

**Tentative Revision: March 2018**

Approved by the Board of Trustees August 13, 2002

## **AP 5200 Student Health Services**

### **Reference:**

***Education Code Section 76401***

The District College shall maintain a health services program that reflects the overall philosophy of the College and is responsive to the needs of its college community, within the confines of this Board policy, state and federal laws, maintenance of effort requirements and available funding.

Referrals will be made, but medical treatment or therapy is not the primary responsibility of the District College. Health Services may provide some limited medical services. Such services should not take the place of or duplicate services offered by off-campus public or private health providers and, in any event, shall not be for other than limited reproductive health (e.g., annual – cancer screening exams, pregnancy and HIV testing, urinary tract infections, sexually transmitted disease, birth control and menstrual irregularities), cough, cold, rash and immunizations.

Health Services Programs may also include, but not limited to:

- Health education, consultation, referrals and psychological counseling programs.
- Assessment, intervention and referral services which include, but are not limited to, health appraisal, screening, first aid, health and psychological counseling and crisis intervention, nursing and/or other health services.
- Health promotion activities.
- ~~Communicable disease control programs and services.~~
- Programs and services designed to prevent illness and injury.
- Advisory activities for the promotion of a health campus community.
- Advise District college administration in the implementation of all state and federal laws pertaining to college health issues.

Notwithstanding any other policy to the contrary, the health services at Gavilan shall be available to all students of the District.

**Tentative Revision: March 2018**

Approved by the Board of Trustees August 13, 2002

## AP 5520 Student Discipline Procedures

### Reference:

**Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.;**  
**Penal Code Section 626.4**

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

In developing responsible students, disciplinary proceedings may play a role in coordination with counseling, guidance and admonition.

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

### **DEFINITIONS** efinitions

- **District**  
The Gavilan Joint Community College.
- **Student**  
Any person currently enrolled as a student at any college or in any program offered by the District.
- **Instructor-**  
Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.
- **Admonition**  
An administrative, verbal warning to the student to cease and desist from conduct determined to violate the Standards of Student Conduct
- **Short-term Suspension-**  
Exclusion of the student by the Superintendent/President of the DistrictCollege for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction.
- **Long-term Suspension-**  
Exclusion of the student by the Superintendent/President of the DistrictCollege for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.
- **Summary Suspension**  
Any student who has willfully disrupted the orderly operation of the campus may be promptly suspended pending a hearing, where such immediate suspension is required in order to protect lives or property and to ensure the maintenance of order, provided, however, that a reasonable opportunity must be afforded to the suspended person for hearing with ten (10) days. In all other cases, where disciplinary action is to be taken in response to willful disruption of the orderly operation of the campus, discipline shall be imposed only after a prompt hearing by a campus body resulting in a finding that the student willfully disrupted the orderly operation of the campus.

- **Expulsion.**  
Exclusion of the student by the Board of Trustees from the District College for one or more terms.
- **Removal from Class-**  
Exclusion of the student by an instructor for the day of the removal and the next class meeting. An online instructor may block access to the class for 78 hours.
- **Written or Verbal Reprimand-**  
An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record with the District at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record with the District at the college for a period of up to one year.
- **Disciplinary Probation**  
Exclusion from participation in privileges or extracurricular activities set forth in the notice of disciplinary probation for a specified period of time.
- **Withdrawal of Consent to Remain on Campus**  
Withdrawal of consent by the Vice President of Student Services or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Vice President of Student Services or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
- **Restitution**  
Financial liability for damage to, or misappropriation of, property. Restitution may take the form of appropriate service to repair or otherwise compensate for damages.
- **Day.**  
Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays unless noted.

## DISCIPLINARY PROCEDURES

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

Except in cases where immediate discipline pending a hearing is authorized, Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

#### Notice-

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

- The specific section of the Standards of Student Conduct that the student is accused of violating.
  - A short statement of the facts supporting the accusation.
  - The right of the student to meet with the Vice President of Student Services or designee to discuss the accusation, or to respond in writing.
  - The nature of the discipline that is being considered.
  - Generally an appointment date with the Vice President of Student Services will be indicated in the letter. It is the responsibility of the student upon receipt of letter to confirm or re-schedule.

#### Time Limits-

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

## **Meeting.**

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

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

## **Short-term Suspension**

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

## **Long-term Suspension**

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

## **Expulsion**

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

## **HEARING PROCEDURES**

### **- Request for Hearing**

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

### **- Schedule of Hearing**

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

### **- Hearing Panel**

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

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

– **Hearing Panel Chair**

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

**Conduct of the Hearing**

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

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

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

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

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

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

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

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

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

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

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

### **Superintendent /President/Superintendent's Decision**

#### **- Long-term Suspension.**

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

#### **- Expulsion.**

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

### **Board of Trustees Decision**

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

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

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

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

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

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

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

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

**Immediate Interim Suspension** [Education Code Section 66017]:

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

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

**Removal from Class** [Education Code Section 76032]:

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

**Withdrawal of Consent to Remain on Campus**

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

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

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

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

**Time Limits:**

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

**Tentative Revision:**

Amended by the Board of Trustees: April 13, 2004

Approved by the Board of Trustees: August 13, 2002