

College Council: Policy and Procedure Review

4-8-2021

[BP 3410 Nondiscrimination](#) – CCLC 37 Update to conform to Title 5 regulatory updates (Title 5 Sections 59300 et seq.) by updating the list of protected classes.

[AP 3410 Nondiscrimination](#) – CCLC 37 Update to conform to Title 5 regulatory updates (Title 5 Sections 59300 et seq.) by updating the list of protected classes.

[BP 3420 Equal Employment Opportunity](#) – Reviewed in conjunction with CCLC 37 Update for accompanying procedure (immediately below).

[AP 3420 Equal Employment Opportunity](#) – CCLC 37 Update to delete a legal reference, correct a typographical error, and clarify the complaint procedure.

[BP 3430 Prohibition of Harassment](#) – CCLC 34, 37 and Title IX updates. This policy was revised to remove all requirements regarding Title IX sexual harassment and leave other forms of harassment and to conform to Title 5 regulatory updates (Title 5 Sections 59300 et seq.).

[AP 3430 Prohibition of Harassment](#) – CCLC 34, 37 and Title IX updates. This procedure was revised to remove all requirements regarding sexual harassment under Title IX and leave other forms of harassment.

[BP 3433 Prohibition of Sexual Harassment under Title IX \(NEW\)](#) – CCLC Title IX update created this policy to address the requirements of the new Title IX regulations.

[AP 3433 Prohibition of Sexual Harassment under Title IX \(NEW\)](#) – CCLC Title IX update created this procedure to address only sexual harassment as defined in Title IX.

[BP 3540 Sexual and Other Assaults on Campus](#) – CCLC Title IX update revised the policy to align to the requirements of the new Title IX regulations.

[AP 3540 Sexual and Other Assaults on Campus](#) – CCLC Title IX update revised the procedure to align to the requirements of the new Title IX regulations.

[BP 3560 Alcoholic Beverages](#) – There was no CCLC update but this policy was reviewed and updated in conjunction with AP 3560 CCLC Update 36, immediately below.

[AP 3560 Alcoholic Beverages](#) – CCLC 36 Update added hotel management and culinary arts instruction as programs where a student, 18 years of age or older, may taste alcoholic beverages on campus.

[BP 4220 Standards of Scholarship](#) – CCLC Update 36 includes requirements related to the course approval of non-credit courses.

[BP 6530 District Vehicles](#) - No CCLC update. Regular review (due for review as part of the regular review cycle).

[BP 6540 Insurance](#) - No CCLC update. Regular review (due for review as part of the regular review cycle).

[BP 6570 Integrated Pest Management](#) - No CCLC update. Regular review (due for review as part of the regular review cycle).

[BP 6580 Excavations Occurring in Naïve American Midden Areas](#) - No CCLC update. Regular review (due for review as part of the regular review cycle).

[BP 6600 Capital Construction](#) - No CCLC update. Regular review (due for review as part of the regular review cycle).

[BP 7270 Student Employees](#) - No CCLC update. Regular review (due for review as part of the regular review cycle).

[AP 7270 Student Employees](#) - No CCLC update. Regular review (due for review as part of the regular review cycle).

For current Board Policies and Administrative Procedures that are posted online please see [Policies & Procedures](#).

Status Update

AP 3435 Discrimination and Harassment Complaints and Investigations - Administrative review

AP 4105 Distance Education – Academic Senate reviewing.

AP 4220 Standards of Scholarship – Administrative review

BP/AP 5010 Admissions – Administrative review

AP 5015 Residence Determination - Ready for Academic Senate, governance review.

AP 5017 Responding to Inquiries of Immigration Status – Ready for Academic Senate, governance review.

AP 5040 Student Records and Directory Information – Ready for Academic Senate, governance review.

BP/AP 5050 Student Success and Support - Administrative Review

AP 5017 Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information – Ready for Academic Senate, governance review.

BP/AP 5130 Financial Aid - Administrative review

BP 5500 Standards of Student Conduct – Administrative review

AP 7211 Faculty Service Areas, Minimum Qualifications, and Equivalencies – Administrative review, governance review.

AP 6540 Insurance – Administrative review

AP 6530 District Vehicles – Administrative review

Title IX Updates under Administrative Review:

AP 3434 Responding to Harassment Based on Sex under Title IX

AP 3435 Discrimination and Harassment Investigations NEW

AP 5520 Student Discipline and Due Process

AP 5530 Student Grievances

General Institution

CCLC UPDATE 37 – LEGALLY REQUIRED. Update to conform to Title 5 regulatory updates (Title 5 Sections 59300 et seq.) by updating the list of protected classes. **1/8/2021 MAB**

BP 3410 NONDISCRIMINATION**References:**

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Penal Code Sections 422.55 et seq;
Government Code Sections 12926, 12926.1, and 12940 et seq.;
Title 2 Sections 10500 et seq.;
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, immigration status, religion, age, family and medical care leave, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), military and veteran status or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, immigration status, religion, age, family and medical care leave, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), military and veteran status or because he/she/they ~~or she~~ is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

Also see: AP 3410 Nondiscrimination

Date Adopted: July 27, 2010

Date(s) Revised: February 26, 2013; October 20, 2015; December 11, 2018

Date Reviewed/Revised:

General Institution

CCLC Update 37 – Legally Required minimum requirements to conform to Title 5 regulatory updates (Title 5 Sections 59300 et seq.) by updating the list of protected classes. Revised 1/8/2021 MAB

AP 3410 NONDISCRIMINATION**References:**

Education Code Sections 200 et seq., 66250 et seq., and 72010 et seq.; 87100 et seq.;
Penal Code Sections 422.55 et seq.;
Government Code Sections 11135 et seq., 12926, and 12940 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Title 2 Sections 10500 et seq.;
Labor Code Section 1197.5
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly II.B.2.c)

Education Programs

The District shall provide access to its services, classes, and programs without regard to, national origin, religion, age, family and medical care leave, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), military and veteran status or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors, and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race or ethnicity, religious creed, family and medical care leave, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), gender, gender identity

gender expression, age, sexual orientation, immigration status, military or veteran status or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of equity and diversity and inclusion in accordance with the District Equal Opportunity Employment (EEO) Plan and Board Policy 3420 Equal Employment Opportunity.

It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on the basis of their race or ethnicity, religious creed, family and medical care leave, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), gender, gender identity, gender expression, age, sexual orientation, immigration status, or military and veteran status.

Office of Primary Responsibility: Human Resources

Date Approved: June 22, 2010

Date Revised: January 15, 2013

Date Revised: September 15, 2015

Date Revised: November 13, 2018

Date Revised:

General Institution

No CCLC updates – Legally required. Part of regular review cycle. Mici 3-4-2021

BP 3420 EQUAL EMPLOYMENT OPPORTUNITY**References:**

Education Code Sections 87100 et seq.;
Title 5 Sections 51010 and 53000 et seq.;
ACCJC Accreditation Standard III.A.12.

The Marin Community College District shall assure that effort is made to build a community in which opportunity is equalized and community colleges foster a climate of acceptance with the inclusion of faculty and staff from a wide variety of backgrounds. The District agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, respect, harmony, and suitable role models for all students. Therefore, the District is committed to promoting equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop, for review and adoption by the Board of Trustees, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

Date Adopted: August 18, 2012

(Replaces College of Marin Policy 7.0001 and Procedure 7.0001 DP.1)

Date Revised: April 16, 2019

Date Reviewed:

General Institution

CCLC Update 37 – Legally Required. Update to delete a legal reference, correct a typographical error, and clarify the complaint procedure. Revised 1/8/2021 Mici

Human Resources – Nikki Harris 3/4/2021

AP 3420 EQUAL EMPLOYMENT OPPORTUNITY**References:**

Education Code Sections 87100 et seq.;

Title 5 Sections 51010, 53000 et seq., and 593200 et seq.

ACCJC Accreditation Standard III.A.12

~~The Equal Employment Opportunity (EEO) Plan should be a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:~~

The District has an Equal Employment Opportunity (EEO) Plan which is a District-wide, written plan that implements the District's EEO Program, including the definitions contained in Title 5, Section 53001, and addressing the following:

- Submission of plans and revisions to the State Chancellor's Office for review and approval as required;
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices;
- A process for gathering information and periodic, longitudinal analysis of the District's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001 subdivision (i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below;
- To the extent data regarding potential job applicants is provided by the Chancellor of the California Community Colleges, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices; and

- The Plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the Plan.

Annual Evaluation

- ~~The District An~~ annually ~~shall survey of~~ collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses. ~~Survey may be part of an institution-wide effort.~~
- ~~The District An~~ annually ~~shall~~ report this demographic data to the State Chancellor's Office ~~on the results of its annual survey of employees.~~ The report shall identify each employee as belonging to one of the following seven job categories:
 - executive/administrative/managerial
 - faculty and other instructional staff
 - professional non-faculty
 - secretarial/clerical
 - technical and paraprofessional
 - skilled crafts
 - service and maintenance
- The opportunity for each employee to identify his /her/their ~~or her~~ gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he /she/they ~~or she~~ identifies. However, the person may only be counted in one group for reporting purposes.
- The District shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to: longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

EEO Advisory Committee

The District has established an EEO Advisory Committee, which shall include a diverse membership whenever possible. The Advisory Committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

The responsibilities of the EEO ~~Staffing~~ Advisory Committee shall include but not be limited to the following:

- Review and advise on recruitment efforts, job announcements, interview protocols, retention efforts, and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- Advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;
- Promote communication with community groups and organizations for people with disabilities;
- Promote hiring of faculty who have, themselves, graduated from a community college;
- Develop communications among departments to foster understandings of the plan;
- To advise the Superintendent/President regarding special training or staff development needs;

- Review the plan and monitor its progress;
- Recommend changes needed in the plan; and
- Review and approve the annual written report to the Superintendent/President, the Governing Board, and the state Chancellor's Office.

Employment Procedures

Job Analysis and Validation: — The Chief Human Resources Officer shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities, and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

~~Also see BP/AP-7120 titled Employment Recruitment~~

Job Description: — Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks, knowledge, skills, ability, and job-related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment: — Recruitment must be conducted actively within and outside of the District's work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that qualified individuals are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations that serve diverse and underrepresented populations.

Recruitment for classified positions include notices to District personnel, notice to Employment Development Department, and advertising in websites of general and broad circulation.

Applicant Pools -- The application for employment shall afford each applicant an opportunity to identify himself/herself /themselves voluntarily as to gender, ethnicity and, if applicable, his/her /their disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications shall be screened to determine which

candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool shall again be analyzed. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may, before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Screening and Selection -- Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. The procedures provide that:

- Hiring procedures will be provided to the State Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty and classified staff; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Chief Human Resource Officer assures that the screening and selection process conforms to accepted principles and practices, including preparation of **job-related** questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; and maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview.
- Selection shall be based solely on the stated job criteria.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- Review its recruitment procedures;
- Consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- Consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible; and
- If significant underrepresentation persists:
 - review each locally-established job qualification to determine if it is job related and consistent with business necessity;
 - discontinue the use of any non-job-related local qualification;
 - continue using job-related local qualifications only if no alternative standard is reasonably available; and
 - consider the implementation of additional measures designed to promote diversity.

Delegation of Authority

The District designates the Chief Human Resources Officer as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.

When the EEO Officer is named in a complaint or implicated by the allegations in a complaint, the complaint shall be overseen by the Superintendent/President or the Superintendent/President’s designee other than the EEO Officer.

- ~~The designation of a single person as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs~~

- ~~Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint~~

Complaint Procedure

~~Any person may file a complaint alleging the District violated this policy and procedures. An individual should file a written complaint with the Chief Human Resources Officer. The District shall immediately forward a copy of the complaint to the California Community Colleges Chancellor's Office, which may require that the District provide a written investigative report within ninety (90) days. The District shall also process complaints that allege unlawful discrimination according to procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations. The District must identify to the public and to the state Chancellor's Office an individual described in Title 5 as the "responsible District officer," responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.~~

~~When a person brings charges of unlawful discrimination the officer must:~~

- ~~Undertake efforts to resolve the charge informally~~
- ~~Advise the complainant that he or she need not participate in an informal resolution of the complaint~~
- ~~Notify the complainant of the procedures for filing a formal complaint~~
- ~~Notify the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education~~
- ~~If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also forward a copy of the complaint to the state Chancellor's Office~~

~~A formal complaint, not involving employment, must be processed if it is filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.~~

~~A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.~~

~~The complaint must be filed by someone who alleges that he or she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his or her official capacity.~~

~~When a proper complaint is received, the District will begin an impartial fact finding investigation, and notify the complainant and the state Chancellor's Office that it is doing so.~~

~~When the investigation is done, the results must be set forth in a written report. The written report must include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.~~

~~In any case that does not involve employment discrimination, the District must provide the Chancellor with a copy of the investigative report within 90 days from the date the District received the complaint.~~

~~The District must also provide the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The Chancellor and the complainant must also be provided with a written notice setting forth the determination of the Chief Human Resource Officer as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the Board of Trustees and the state Chancellor's Office.~~

~~In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the Chief Human Resource Officer as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District's governing board and to file a complaint with the Department of Fair Employment and Housing.~~

~~If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the Board of Trustees within 15 days from the date of the notice of the administrative determination. The Board of Trustees must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within 45 days of receiving the appeal.~~

~~In any case not involving employment discrimination, a copy of the final District decision must be forwarded to the complainant and the state Chancellor's Office. The complainant must be notified of his or her right to appeal. In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his or her right to file a complaint with the Department of Fair Employment and Housing.~~

~~Where the Board does not act within forty five days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the Chancellor, that the Board took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his or her right to appeal the District's decision to the Chancellor. In cases involving employment discrimination, the complainant shall be notified of his or her right to file a complaint with the Department of Fair Employment and Housing.~~

~~In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the state Chancellor's Office within 30 days after the Governing Board issues the final District decision permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant pursuant to Section 59338(b) or (d), whichever is later.~~

~~The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the Chancellor may require.~~

Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial

minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex or gender, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Faculty Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the state Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the Chancellor determines that the District's policies are not in compliance with Section 59300 et al., the Chancellor may require the District to modify its policies.

Accountability and Corrective Action

The District shall certify annually to the Chancellor of the California Community Colleges that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the District's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division.

Also see BP/AP 7120 titled Employment Recruitment, BP/AP 3410 titled Nondiscrimination, BP/AP 3430 titled Prohibition of Harassment BP/AP 7120 titled Employment Recruitment, and BP/AP 7310 titled Nepotism

Office of Primary Responsibility: Human Resources

Date Approved: March 19, 2013

Date Revised:

General Institution

CCLC Updates 34, 37, Title IX – Legally required. This policy was revised to remove all requirements regarding Title IX sexual harassment and leave other forms of harassment and to conform to Title 5 regulatory updates (Title 5 Sections 59300 et seq.). Revised by Mici 1/8/2021

Human Resources – Nikki Harris 3/4/2021

BP 3430 PROHIBITION OF HARASSMENT**References:**

Education Code Sections 212.5, 44100, 66252, and 66281.5;

Government Code Sections 12923, 12940 and 12950.1;

Civil Code Section 51.9;

Title 2 Sections 10500 et seq.;

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;

Age Discrimination in Employment Act of 1967 (ADEA);

Americans with Disabilities Act of 1990 (ADA)

All forms of harassment are contrary to basic standards of conduct between individuals. ~~and are prohibited by s~~State and federal law, ~~and as well as~~ this policy ~~prohibit harassment, and will not be tolerated~~. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of ~~sexual harassment and all forms of sexual intimidation and exploitation, including acts of sexual violence. It shall also be free of other~~ unlawful harassment, including that which is based on any of the following statuses: age, ~~ancestry, color~~, religious creed (including religious dress and grooming practices, family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), ethnicity, ancestry, immigration status, race, color, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, or because he/she/they ~~or she~~ is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. The District will investigate aAll allegations of retaliation ~~will be~~ swiftly and thoroughly ~~investigated~~. If the District determines that someone has retaliated~~ion has occurred~~, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, unpaid intern, or volunteer who believes that he/she/they ~~or she~~ has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. The District requires sSupervisors ~~are mandated~~ to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the Superintendent/President shall ensure that the institution undertakes education and training activities to counter ~~harassment discrimination~~ and to prevent, minimize, ~~and~~/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish procedures that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, unpaid interns, volunteers and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination and procedures ~~for students~~ to resolve complaints of harassment and discrimination. State and federal law and this policy prohibit ~~All participants are protected from~~ retaliatory acts by the District, its employees, students, and agents.

The District will publish and publicize t~~This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized~~ to administrators, faculty, staff, students, unpaid interns and volunteers particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedure for making complaints) available ~~shall be available for students, employees, unpaid interns and volunteers~~ in all administrative offices, and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measures up to and including termination from the internship or other unpaid work experience.

Date Adopted: December 9, 2008

(Replaces current College of Marin Policy 5.0004)

Date Revised: February 26, 2013

Date Revised: October 20, 2015

Date Revised:

General Institution

CCLC Updates 34 and Title IX - Legally Required. This procedure was revised to remove all requirements regarding sexual harassment under Title IX and leave other forms of harassment.

Revisions 1/8/2021 Mici.

Human Resources – Nikki Harris 3/4/2021

AP 3430 PROHIBITION OF HARASSMENT**References:**

Education Code Sections 212.5, 44100, and 66281.5;
Government Code Section 12940 and 12923;
Civil Code Section 51.9;
Title 5 Sections 59320 et seq.;
Title IX, Education Amendments of 1972;
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure, and the related policy, protects students, employees, unpaid interns and volunteers in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

Definitions

General Harassment: Harassment based on age, ancestry, color, religious creed (including religious dress and grooming practices, family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe, that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his /her/their ~~or her~~ ability to participate in or realize the intended benefits of an institutional activity, employment, or resource.

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. Sexual harassment under Title IX is defined in AP 3433 Prohibition of Sexual Harassment under Title IX and Administrative Procedure 3434 – Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based

harassment, Complainants should use the procedure in AP 3435 Discrimination and Harassment Complaint Procedures.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against, or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

Environmental: A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders, or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his-~~or~~/her/their immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or

physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment (as more fully described below); or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it unreasonably interfered with the person's academic or work performance or created an intimidating, hostile, or offensive learning or working environment is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty member, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action

by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

Office of Primary Responsibility: Human Resources and Student Services – Activities and Advocacy

Date Approved: November 6, 2008

Date Revised: January 15, 2013

Date Revised: September 15, 2015 ~~BOI~~

Date Revised:

General Institution

CCLC Title IX Update – Legally required. This policy addresses the requirements of the new Title IX regulations. Mici, Mia R., Nikki Harris Reviewed 3-4-2021

BP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX (NEW)**References:**

Title IX of the Education Amendments Act of 1972;

34 Code of Federal Regulations Part 106

All forms of sexual harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit sexual harassment and the District will not tolerate sexual harassment. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence.

The District seeks to foster an environment in which all employees, students, applicants for employment, and applicants for admission feel free to report incidents of sexual harassment in violation of this policy and Title IX, without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of sexual harassment in violation of this policy and Title IX or for participating, or refusing to participate, in a sexual harassment investigation. The District will investigate all allegations of Title IX retaliation swiftly and thoroughly. If the District determines that someone has retaliated, it will take reasonable steps within its power to stop such conduct. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any employee, student, applicant for employment, or applicant for admission who believes he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3434 Responding to Harassment Based on Sex under Title IX. The District requires supervisors to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the Superintendent/President shall ensure that the institution undertakes education and training activities to counter sexual harassment and to prevent, minimize, or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish procedures that define sexual harassment on campus. The Superintendent/President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment in violation of this policy, and procedures to resolve complaints of sexual harassment in violation of this policy. State and federal law and this policy prohibit retaliatory acts against all participants by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, applicants for employment, and applicants for admission, particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedures for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Volunteers or unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the volunteer assignment, internship, or other unpaid work experience program.

Date Adopted:

General Institution

CCLC Special Title IX Update – Legally required. This procedure addresses only sexual harassment as defined in Title IX.

Mici, Mia R., Nikki Harris Rev 3-4-2021

AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX (NEW)**References:**

Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.;

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

The District is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. This procedure defines sexual harassment on campus.

This procedure and related policy protect students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

Definitions

Sexual Harassment under Title IX: Conduct that satisfies one or more of the following:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable

of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Office of Primary Responsibility: Human Resources and Student Services – Activities and Advocacy

Date Adopted:

General Institution

CCLC Title IX Update – Legally required. update revised the policy to align to the requirements of the new Title IX regulations. Revised 1/12/2021 Mici (Mia R., Nikki H.)

BP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS**References:**

Education Code Sections 67382, 67385, 67385.7, and 67386;
20 US. Code Section 1092(f) (Jeanne Clery Act);
34 Code of Federal Regulations Section 668.46(b) (11) (Institutional Security Policies and Crime Statistics)

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures, employee discipline as provided in applicable Board policy and collective bargaining agreements, or student discipline procedures consistent with state and federal law. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46.

Also see Administrative Procedure 3540 Sexual and Other Assaults on Campus

Date Adopted: May 17, 2011
(Replaces College of Marin Policy 7.0054)
Date Revised: October 20, 2015
Date Reviewed/Revised:

General Institution

CCLC Updates 35 and Title IX – Legally required. The update revised the policy to align to the requirements of the new Title IX regulations.

Revised Mici, Mia R., Nikki H. 3-3-2021

AP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS**References:**

Education Code Sections 67385, 67385.7, and 67386;
20 U.S. Code Section 1092 subdivision (f) (Jeanne Clery Act);
34 Code of Federal Regulations Section 668.46 subdivision (b) (11) (Institutional Security Policies and Crime Statistics)

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

~~“Sexual assault,” “dating violence,” “domestic violence” and “stalking” are defined in Administrative Procedure 3434 – Responding to Harassment Based on Sex under Title IX.~~

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

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

~~“Domestic violence” includes felony or misdemeanor crimes of violence committed by:~~

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

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

It is the responsibility of each person involved in sexual activity to ensure that he/~~she~~/they ~~or she~~ has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Consent must be given without coercion, provocation, force, threats or intimidation. Consent cannot be given when a person is incapacitated or when his or her understanding is affected by a mental or physical impairment.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. If affirmative consent is withdrawn, the sexual activity must immediately stop.

These written procedures and protocols are designed to ensure that victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 ~~titled~~ Campus Safety, AP 3510 ~~titled~~ Workplace Violence Plan, and AP 3515 ~~titled~~ Reporting of Crimes).

All students, faculty members, or staff members who allege they are the victims of a domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Executive Director of Human Resources, who shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Executive Director of Human Resources is authorized to release such information. Situations that fall under the auspices of mandated reporting shall be addressed according to appropriate laws and regulations. In instances involving District employees, District Police shall work with Human Resources as appropriate.

The Executive Director of Human Resources shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- A copy of the Board Policy (BP) and Administrative Procedure (AP) regarding domestic violence, dating violence, sexual assault, or stalking.
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents. (Executive Director of Human Resources)
- Information about the importance of preserving evidence and the identification and location of witnesses.
- Available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
 - transportation to a hospital if necessary via emergency services - 911 or college police;
 - counseling provided by the college’s psychologist in the Counseling department;
 - referral to *Community Violence Solutions* (for sexual assault) and *Center for Domestic Peace* (domestic violence issues) for off campus resources;
 - a list of other appropriate campus and off-campus resources and referrals into the community (available via publication and website).
- The victim’s option to:
 - notify proper law enforcement authorities, including on-campus and local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities.

- The rights of the victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court.
- Information about how the District will protect the confidentiality of victims.
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations. If requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - modification of class schedules;
 - tutoring, if necessary.

The Executive Director of Human Resources should be available to provide assistance to the District's law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP [34345 Responding to Harassment Based on Sex under Title IX](#), regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Executive Director of Human Resources of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality [consistent with state and federal law](#).

A [Ce](#)omplainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the [Ce](#)omplainant consented to the sexual activity under either of the following circumstances.

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the [Ce](#)omplainant affirmatively consented

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the [Ce](#)omplainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the [Ce](#)omplainant was unable to consent to the sexual activity under any of the following circumstances;

- The [Ce](#)omplainant was asleep or unconscious.

- The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
- The Complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence consistent with state and federal law, unless the alleged victim witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the Superintendent/President's office, which shall work with the Executive Director of Human Resources and District Police to assure that all confidentiality rights are maintained consistent with state and federal law.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any District proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other student services for victims;
- Written notification to victims about options for, and available assistance in changing academic, living, transportation, and working situations, if requested, and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus policy or local law enforcement.
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occur prior to the time that such results become final, and when such results become final. Compliance with this

paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the domestic violence, dating violence, sex offense, sexual assault, or stalking and any sanction that is imposed against the accused.

- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The ~~designated positions~~ Director of Student Services – Activities and Advocacy or designee in collaboration with the Dean of Enrollment Services or designee shall:

- Provide as part of the Kentfield and Indian Valley campuses' established on-campus orientation program, education, ~~and~~ prevention, and outreach information about domestic violence, dating violence, sexual assault and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies including education and information programs on victim prevention, primary prevention, bystander intervention, risk reduction and awareness raising campaigns.

The outreach programming included as part of an incoming student's orientation must include, at a minimum, all of the following:

- The warning signs of intimate partner and dating violence.
 - Campus policies and resources relating to intimate partner and dating violence.
 - Off-campus resources and centers relating to intimate partner and dating violence.
 - A focus on prevention and bystander intervention training as it relates to intimate partner and dating violence.
- Post sexual violence prevention and education information on the campus internet website and the Student Handbook (Education Code Section 67385.7) regarding domestic violence, dating violence, sexual assault and stalking.

Offices designated for providing information: Human Resources (overall charge and staff education), Administrative Services (Campus Police – Clery Act), Student Learning and Success (student education).

~~Human Resources – Overall charge and staff education~~
~~College Operations (Campus Police) – Clery Act~~
~~Student Services (Student Activities) – student education~~

~~Also see~~ Also see BP and AP 3430 Prohibition of Harassment; AP 3500 ~~titled~~ Campus Safety, AP 3510 ~~titled~~ Workplace Violence Plan, and AP 3515 Reporting of Crimes

Office of Primary Responsibility: ~~College Operations and Administrative Procedures~~ Services, Human Resources, Student Services, and Student Learning and Success ~~College Operations (Campus Police) – Clery Act~~

~~Human Resources – Title IX~~
~~Vice President, Student Services – Student~~

Date Approved: April 19, 2011

Date Revised: March 3, 2012

Date Revised: September 15, 2015 ~~BOT~~

Date Revised:

General Institution

No CCLC Update – Legally required. There was no CCLC update but this policy was reviewed as part of the review cycle and updated in conjunction with AP 3560's CCLC Update 36. Reviewed and non-substantive revisions made. Mici 2-10-2021

BP 3560 ALCOHOLIC BEVERAGES**References:**

Business and Professions Code Section 25608;
34 Code of Federal Regulations Part 668.46(b)

The Superintendent/President is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit the College of Marin and/or non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

Also see BP/AP 3550 titled Drug and Alcohol Free Environment and Drug and Alcohol Abuse Prevention Program (DAAPP)

Date Adopted: July 19, 2011

Date Revised: April 17, 2012

Date Reviewed/Revised:

General Institution

CCLC 36 Update – Legally Required: updated to add hotel management and culinary arts instruction as programs where a student, 18 years of age or older, may taste alcoholic beverages on campus. Please note that in addition to CCLC 36 four other updates from 2012-2018, beginning with CCLC 21, were included here.

Mici revised 2-9-2021

To Greg and Jeff M. 3-15-2021; No changes 3-21-2021

AP 3560 ALCOHOLIC BEVERAGES**References:**

Business and Professions Code Sections 24045.4, 24045.6, ~~and~~ 25608, 25658, and 25668;
34 Code of Federal Regulations Part 668.46 subdivision (b)

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the District Police Department. The campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the District Police Department. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is limited to beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell or consume it by the Vice President of Student Learning and Success or a designee.
- A person at least eighteen (18) years of age tastes, but does not swallow or consume, an alcoholic beverage for educational purposes as part of the instruction in a hotel management, culinary arts, or enology or brewing degree program, and the alcoholic beverage remains in the control of the instructor.
- The alcoholic beverage is for use during a non-college event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation and its use has been approved by the Superintendent/President or designee.
- The alcoholic beverage is wine or beer produced by a bonded winery owned or brewery operated as part of an instructional program in viticulture and enology or brewing.
- The alcoholic beverage is wine that is for use during an event sponsored by the District or an organization operated for the benefit of the District in connection with a District instructional program in enology.
- The alcoholic beverages are possessed, consumed, or sold, pursuant to a license or permit obtained under this division for special events held at the facilities of a public community college

during the special event. "Special event" means events that are held with the permission of the Governing Board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.

- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the District at a District-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.
- The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit corporation that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed, or used at a football game or other athletic contest sponsored by the District.
- The alcoholic beverage is acquired, possessed, or consumed pursuant to a license or permit obtained for special events held at facilities of a community college district at a time when pupils are not on the grounds. "Facilities" includes, but are not limited to, office complexes, conference centers, or retreat facilities.

At any event where alcoholic beverages are present, a notice that no alcoholic beverages shall be served to minors who are under the legal drinking age shall be posted.

Also see BP/AP 3550 titled Drug and Alcohol Free Environment and Drug Prevention Program

Offices of Primary Responsibility: Office of the Superintendent/President, Campus Police, and Administrative Services

Date Approved: June 28, 2011

Date Revised: March 13, 2012

Date Revised:

Academic Affairs*To J Horinek for review 6/2/2018*

CCLC Update 32 (April 2018) to include legal citations

CCLC Update 36 updated to replace the term “credit by examination” with “credit for prior learning” pursuant to terminology in Title 5 Section 55050. Mici 11/2/2020

Jon H. okay – no changes 2/22/2021

AS okayed – no changes 3-4-2021

BP 4220 STANDARDS OF SCHOLARSHIP**References:**Education Code Sections 70902 subdivision (b)(3);Title 5 Sections 51002, 55020 et seq., 550301 et seq., ~~and~~ 55040 et seq., and 55050 et seq.

The Superintendent/President shall rely primarily on the Academic Senate in the development of procedures that establish standards of scholarship consistent with the provisions of Title 5 Sections 55750 et seq. and Board Policy.

These procedures shall address: prerequisites, pre-requisite challenges, co-requisites, recency requirements and advisories; grading practices; academic record symbols; grade point average; credit ~~by examination~~ for prior learning; academic and progress probation; academic and progress dismissal; academic renewal; course repetition; limits on remedial coursework; and grade changes.

These procedures shall be described in the District’s catalog.

~~Also see~~ *Also see* BP/AP 4225 titled Course Repetition, BP/AP 4226 Multiple and Overlapping Enrollments, AP 4227 titled Repeatable Courses, AP 4228 titled Course Repetition – Significant Lapse of Time, ~~AP 4229 titled Course Repetition – Variable Units~~, BP/AP 4230 titled Grading and Academic Record Symbols, AP 4231 titled Grade Changes, AP 4232 titled Pass/No Pass, BP/AP 4235 titled Credit by Examination, BP/AP 4240 titled Academic Renewal, BP 4250 titled Academic Probation, Dismissal, and Readmission, AP 4250 titled Probation, AP 4255 titled Dismissal, and BP/AP 4260 titled Prerequisites, Co-requisites, and Advisories.

Date Adopted: November 18, 2011

(Replaces College of Marin Policy 4.0003)

Date Reviewed/Revised:

Business and Fiscal Affairs

No CCLC Update – Due for Review, no CCLC model available. Formatting, suggested revisions. See companion AP with CCLC 36 Update. Mici Rev. 3-4-2021

BP 6530 DISTRICT VEHICLES

Reference:

Title 13, California Code of Regulations, Division 1, Chapter 1

The District shall provide vehicles consisting of: vans, sedans, truck/vans, trucks, or other modes of transportation as deemed appropriate to the requirements of the particular job, and patrol cars for District police services.

In the event the District fleet is not adequate in either size or number, the Superintendent/President may authorize the use of charter buses from private companies ~~in that business~~ and/or the rental of vehicles from a recognized, insured auto/truck rental firm.

Date Adopted: 8/26/08

(Replaces former College of Marin Policy 8.0011)

Date Revised:

Business and Fiscal Affairs

No CCLC Update – Legally required and due for review as part of the review cycle. No changes recommended. Mici 3-4-2021

BP 6540 INSURANCE**References:**

Education Code Sections 70902, 72502, 72506, and 81601 et seq.

The Superintendent/President shall be responsible to secure insurance for the District as required by law, which shall include but is not limited to the liabilities described in Education Code Section 72506 as follows:

- Liability for damages for death, injury to persons, or damage or loss of property;
- Personal liability of the members of the Board and the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer, or employee when acting within the scope of his or her office or employment. The Superintendent/President may authorize coverage for persons who perform volunteer services for the District; and
- Worker's compensation insurance.

Insurance also shall include fire insurance and insurance against other perils.

The District may join in a joint powers agreement pursuant to Education Code Section 81603 for the purposes described in this policy.

Also see BP 5205 titled Student Accident Insurance as well as AP 7381 titled Health and Welfare Benefits

Date Adopted: March 16, 2010

(Replaces former College of Marin Policy 6.0006)

Reviewed:

Business and Fiscal Affairs

There is no corresponding CCLC policy. Formatting, font and minor revisions by Mici 3-17-2021.

BP 6570 INTEGRATED PEST MANAGEMENT**References:**

US Green Building Council, Leadership in Energy and Environmental Design (LEED) Rating System for Existing Buildings (EB), Credit EQ-10.4/10.5

The District recognizes that maintenance of a safe, clean and healthful environment for faculty, students and staff is essential to learning. Providing safer alternatives to chemical pesticides reduces exposure of building occupants and maintenance personnel to potentially hazardous chemical, biological and particle contaminants, while preventing economic and health damage caused by pests. Accordingly, the District will develop and implement a low environmental impact (integrated) pest management procedure that includes preferred pest management products, methods, inspections, monitoring and evaluation.

~~Office of Primary Responsibility: College Operations~~

Date Adopted: January 20, 2009

(Replaces College of Marin Policy 8.0029)

Date Reviewed:

Business and Fiscal Affairs

There is no corresponding CCLC policy and no update. Due for review as part of the regular review cycle.
Reviewed with formatting/font revision by Mici 3/17/21.

BP 6580 EXCAVATIONS OCCURRING IN NATIVE AMERICAN MIDDEN AREAS**References:**

Government Code section 65092;
Government Code section 65351;
Government Code section 65352;
Government Code sections 65352.3-65352.4;
Government Code section 65560;
Government Code section 65562.5;
Public Resources Code section 5097.95

The Board is aware that Native American burial grounds and other archaeological sites exist on portions of the Kentfield and Indian Valley campuses as evidenced by rich midden and residual artifacts discovered in various locations around the campuses. The Superintendent/President is designated the responsibility to notify Native American tribal representatives, archaeologists and other appropriate parties to the extent required by law prior to authorizing any excavation on either campus.

The Superintendent/President is also designated the responsibility to develop and implement procedures for excavation activities that comply with current legal requirements.

Date Adopted ~~by Board~~: February 17, 2009

(Replaces College of Marin Policy 8.0025)

Date Reviewed:

Business and Fiscal Affairs

Reviewed against CCLC template

For Admin Review 11/2018

No CCLC update available but due for review as part of cycle. This policy is legally required. Seems this got stuck in review in 2018. Formatting and font updated, reviewed by Mici on 3-17-2021.

BP 6600 CAPITAL CONSTRUCTION

References:

Education Code Sections 81005 and 81820;
Title 5 Sections 57150 et seq.

The Superintendent/President is responsible for planning and administrative management of the District's capital outlay and construction program.

District construction projects shall be supervised by the Superintendent/President. The Superintendent/President or designee shall monitor the progress of all construction work including inspection of workmanship, completion of work to meet specifications, and the suitability of proposed changes to the scope and original design of the work. The Superintendent/President or designee shall assure compliance with laws related to the use of state funds to acquire and convert existing buildings.

The Board of Trustees shall approve and submit to the Board of Governors a five-year Capital Construction Plan as required by law. The Superintendent/President or designee shall annually update the plan and present it to the Board for approval. The plan shall address, but is not limited to, the criteria contained in law.

Date Adopted: January 20, 2009
(Replaces College of Marin Policy 8.0002)
Date Reviewed/Revised:

Human Resources

No CCLC Update Suggested good practice. Due for review. Mia R. Revised 1-21-2021

Nikki H. Approved 2-28-2021

BP 7270 STUDENT EMPLOYEES**References:**

Education Code Sections 69960(f) and 88003

Only enrolled College of Marin students can be employed as student employees. A student's primary role at College of Marin is to obtain an education. Student employees may only be employed as student assistants hired by specific departments or placed in particular departments/offices through the work-study program while enrolled in classes.

Full and part-time College of Marin students employees shall only be employed part-time regardless of funding source and shall not be a part of the classified service nor perform tasks commensurate with an established classified position. Student employees are hired to gain work experience and develop new skills. Tuberculosis tests are required for all student employees. Certain additional clearances (e.g., fingerprinting, etc.) may be required based on the work location and assigned responsibilities. Student employees can only work in one capacity (i.e., cannot work as a student employee and a short-term or professional expert or substitute).

Specific procedures governing hiring processes, applications, and eligibility requirements for student employees can be found in the Human Resources Office.

Date Adopted: May 17, 2011

(Replaces College of Marin Policy 5.0008)

Date Revised:

Human Resources

No CCLC Update Suggested good practice. Due for review as part of the review cycle. Mia R. Review and Mici Revised 1-21-2021

Nikki Harris Approved 2-28-2021

AP 7270 STUDENT EMPLOYEES**References:**

Education Code Sections 69960(f) and 88003;

Education Code Section 88003 allows part-time employment of students outside the classified service.

1. The Student Employment Categories are:
 - A. Student Employees
 - B. Federal College Work-Study Program Student Employees
 - C. EOPS Work-Study Program Student Employees
 - D. Disabled Student Employees
 - E. Student Education Program Employees
2. A student enrolled in 6 or more units per semester may work part-time as a student employee for no more than 25 hours per week and no more than 194 working days in an academic year.
3. Students employees may work up to 37.5 hours per week or 7.5 hours per day when District classes are not in session or during a summer break, but they remain student employees and may not be employed as short-term employees.
4. In no case will a student employee perform services which supplant work being accomplished by any member of the classified service or which impair any existing contracts for service. Student employee jobs must be reviewed by Human Resources to assure that they do not duplicate classified jobs and that the duties involve closer supervision than do duties performed by classified employees.
5. Any student employee dropping below the required units per semester shall be disqualified from student employment for the remainder of the semester.
6. No student employee may be allowed to begin work prior to the completion and approval of the Personnel Action Form, and completion of the employee's pre-employment processing.
7. Hourly pay rates for student employees shall be determined by the Human Resources Office.

Federal Work-Study Program

The Federal Work-Study Program is for students who have been determined, through the Financial Aid application process, to have financial eligibility and who are in need of earnings to pursue a course of study at College of Marin. A secondary purpose of the program is intended to broaden the range of worthwhile job opportunities for qualified students.

Office of Primary Responsibility: Human Resources

Date Approved: April 19, 2011

(Replaces College of Marin Procedure 5.0008 DP.1)

Dates Revised: January 15, 2013, April 19, 2016

Date Revised: