

College Council: Policy and Procedure Review

10-12-2023

BP 4040 Library – Due for review as part of the regular review cycle. Compared to model CCLC policy. This policy is legally required and is a 10+1.

AP 4100 Graduation Requirements – CCLC 42 updated this legally required procedure to align with updated Title 5 regulations. Formatting updated. This is ACCJC linked and also a 10+1.

AP 4222 Remedial Coursework – CCLC 42 updated this legally required procedure to incorporate new requirements related to placing students in transfer-level English and mathematics within the first year of matriculation pursuant to changes in the Education Code. This is accreditation linked and also a 10+1.

AP 4230 Grading and Academic Record Symbols – CCLC 39 legally required update to reflect additions to Title 5 Regulations requiring districts to grant students credit for satisfactory completion of International Baccalaureate or College Level Examination Program examinations and requiring districts to ensure that students' academic records clearly annotate credit earned through such examinations. (Title 5 Section 55052.5) To the extent that districts grant students prior credit for successful completion of other prior learning experiences or examinations, such as Advanced Placement examinations, the Service recommends that districts use the same academic record symbol. CCLC 42 Update aligns this procedure with updated Title 5 regulations. This is a 10+1.

AP 4232 Pass - No Pass – CCLC 42 updated this procedure to align with updated Title 5 regulations. Revisions as noted to align with practices. This is a 10+1.

AP 5011 Admission of High School and Other Young Students – CCLC 42 updated this legally required procedure to remove requirement that courses be certified for remedial purposes and require they be certified for pre-transfer level courses pursuant to changes in the Education Code. This is a 10+1.

BP 5015 Residence Determination – CCLC 42 updated this policy to allow specified athletes to be entitled to classification as residents tuition and fee purposes pursuant to changes in the Education Code. This is a 10+1.

AP 5015 Residence Determination – CCLC 42 updated this procedure to allow specified athletes to be entitled to classification as residents for tuition and fee purposes pursuant to changes in the Education Code. This is a 10+1.

BP 5035 Withholding of Student Records – CCLC 42 updated this required policy to include an additional citation to the Education Code and clarify when a district may withhold registration privileges or transcripts. This is a 10+1 and it is linked to ACCJC.

BP 5040 Student Records Directory Information Privacy – CCLC 42 updated this legally required policy to state that a district will develop and implement a process for students, staff, and faculty to declare an affirmed name, gender, or both pursuant to changes in the Education Code. This is a 10+1 and ACCJC linked.

AP 5040 Student Records and Directory Information – CCLC 42 updated this legally required

procedure to provide a process for students to declare an affirmed name, gender, or both pursuant to changes in the Education Code. This is a 10+1 and also accreditation linked.

BP 5130 Financial Aid – CCLC 42 updated this legally required policy to implement the California Ban on Scholarship Displacement Act of 2021 pursuant to changes in the Education Code. This is a 10+1 and also linked to ACCJC.

AP 5075 Credit Course Adds and Drops – CCLC 42 updated this legally required procedure to align with updated Title 5 regulations. Formatting cleaned up. Our procedure does not exactly track the language of the model procedure. This is a 10+1.

AP 5130 Financial Aid – CCLC 42 updated this procedure to implement the California Ban on Scholarship Displacement Act of 2021 pursuant to changes in the Education Code. This is a 10+1 and also accreditation linked.

AP 7217 Instructional Rotation – Due for review as part of the regular review cycle. There is no model CCLC for comparison. Minor edits as noted. This is a 10+1.

AP 7232 Classification Review – Due for review as part of the regular review cycle. Model CCLC reviewed for comparison.

AP 7234 Overtime - Due for review as part of the regular review cycle. Legally required and model CCLC reviewed for comparison.

BP 7251 Educational Administrator Retreat Rights – Due for review as part of the regular review cycle. There is no model CCLC reviewed for comparison. Formatting updated and minor edits.

BP 7280 Unrepresented Employee Complaints – Due for review as part of the regular review cycle. There is no model CCLC reviewed for comparison. Formatting updated and minor edits.

AP 7280 Unrepresented Employee Complaints – Due for review as part of the regular review cycle. There is no model CCLC reviewed for comparison. Formatting updated and minor edits.

BP 7335 Health Examinations – Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison. Formatting updated and minor edits.

BP 7360 Discipline and Dismissal – Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison. There was a 2016 update. Formatting updated and minor edits.

BP 7370 Use of District Resources for Political Activity – Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison. No Changes beyond formatting.

AP 7370 Use of District Resources for Political Activity – Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison. Language tracks CCLC model. No Changes beyond formatting.

AP 7371 Personal Use of Public Resources – Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison. No substantive changes.

AP 7381 Health and Welfare Benefits – Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison. No Changes beyond formatting.

AP 7400 Travel - Changes initiated by Administrative Services in response to the Governor signing SB 447 that repeals the travel ban. Removes paragraph related to AB 1887 along with other procedural updates including requirement for mileage documentation. event program as proof, meal amount adjustments as well as calculations, and claim submission deadline.

AP 7500 Volunteers - Reviewed as part of the regular review cycle. This legally advised procedure was compared to CCLC model policy, with updates as noted.

BP 7700 Whistleblower Protection – Reviewed as part of the regular review cycle. This legally advised policy was compared to CCLC model policy, with updates as noted.

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

Status Update – Policies and Procedures Currently Under Review

Administrative – Under Review

BP 2330 Quorum and Voting
AP 2712 Conflict of Interest Code
AP 3410 Nondiscrimination
BP 3420 Equal Employment Opportunity
AP 3434 Responding to Harassment Based on Sex under Title IX
AP 3500 Campus Safety
BP/AP 3550 Drug and Alcohol-Free Environment
BP/AP 3715 Intellectual Property
AP 3725 Information Communications Technology Accessibility Acceptable Use
AP 4020 Program Curriculum and Course Development
AP 4225 Course Repetition Non-Repeatable Courses
AP 4250 Probation
BP/AP 5020 Non-Resident Tuition
AP 5030 Fees
AP 5055 Enrollment Priorities
BP 5410 Associated Students Elections
BP 6250 Budget Management Review
AP 7212 Temporary Faculty
BP/AP 7600 District Police

Academic Senate – Under Review

AP 4020 Program Curriculum and Course Development
AP 4040 Library and Other Instructional Support Services (NEW)
AP 4225 Course Repetition Non-repeatable Courses
AP 4255 Dismissal
AP 5055 Enrollment Priorities
BP 5500 Standards of Conduct
AP 7215 Academic Employees-Probationary Contract Faculty

Academic Affairs

Due for review as part of the regular review cycle. Compared to model CCLC policy. **This policy is legally required and is a 10+1.** Mici 1-27-2023

Please see note below regarding peer tutoring. Jonathan/Student Learning and Success 1-27-2023

Edit as noted. Greg/Eresa 2-21-2023

To David Patterson/Sarah Frye proposed language that has served as the basis for a proposed new administrative procedure (AP 4040). The specificity of the language was not appropriate for the high-level guidance a policy provides.

3-29-2023

Based on the District librarians proposed processed, a proposed new administrative procedure has been drafted incorporating the recommendations. Mici 3-30-2023
Resent to Academic Senate for follow up. 3-30-2023 and 9-12-2023

BP 4040 LIBRARY AND OTHER INSTRUCTIONAL SUPPORT SERVICES**References:**

Education Code Section 78100 and 78103;
~~Accreditation Standard II.C;~~
~~Title 5 Sections 51970 and 58168;~~
Civil Code Section 1798.90 (Reader Privacy Act);
Library Bill of Rights (American Library Association);
Standard for Libraries in Higher Education (Association of College and Research Libraries);
California Code of Regulations, Title 5 Sections 53410 and 58724;
Accreditation Standard II. B

The District shall have library and learning support services that are an integral part of the institution's educational program and will comply with the requirements of the Reader Privacy Act, and meet the standards of the Accrediting Commission for Community and Junior Colleges (ACCJC).

~~The District supports the American Library Association's Bill of Rights and the Association of College and Research Libraries' Standards for Libraries in Higher Education.~~

~~The purpose of the cCollege library is to support the College District in providing high quality, academically rigorous instruction in a comprehensive curriculum that respects the diversity represented in the student body and community. The library shall provide access to information both within and beyond the library walls. The library shall provide instruction and resources that ensure students and teachers are effective users of ideas and information. The library supports the Marin Community College District's (MCCD) commitment to equity and anti-racism.~~

The Board shall, provide necessary staff and resources to support library services to meet student needs regardless of location or means of delivery of instruction.

- ~~Library services to meet student needs regardless of location or means of delivery of instruction.~~
- ~~Optimum library utilization, including evenings and weekends.~~
- ~~Cooperative library functions and services between the two campuses as well as cooperative arrangements with other academic institutions and public libraries.~~

Library functions shall include:

- ~~Building a comprehensive and diverse collection that supports the College curriculum and challenges each student according to his/her abilities;~~
 - ~~Library collections shall be developed and maintained which support course offerings, develop critical thinking, and reflect cultural diversity.~~
 - ~~Faculty librarians, working in collaboration with other M CCD faculty, shall have primary responsibility for the identification, selection, coordination and provision of the library's academic resources and collections that meet the information needs of the campus community.~~
 - ~~The library provides materials that present all sides of controversial issues. A publication otherwise deemed appropriate shall not be excluded from the collection because it presents ideas considered distasteful or controversial. The District adheres to the American Library Association's standards on the subject of censorship.~~
 - ~~Gifts to the library shall be accepted only if they enhance the strength of the library collection.~~
- ~~Providing students and faculty with instruction and assistance in using library resources;~~
- ~~Promoting the development of information competency skills among students and faculty;~~
- ~~Providing professional and paraprofessional staff to instruct and assist in the use of library resources; and~~
- ~~Providing leadership by assisting faculty in the promotion of the use of library resources in instruction and curriculum, and in the development of critical thinking by students.~~

The Superintendent/President shall establish a process at both campuses that provides **for**:

- ~~for The~~ acquisition, maintenance, and renewal of the collection including books, periodicals, databases and computers.;
- ~~the necessary funding~~ **The resources to** promote optimum library utilization, including evenings and weekends.;
- ~~for The~~ cooperative library functions and services between the two campuses as well as cooperative arrangements with other academic institutions and public libraries.

Library collections shall be developed and maintained which support course offerings, develop critical thinking, and reflect cultural diversity.

Gifts to the library shall be accepted only if they enhance the strength of the library collection.

The library provides materials that present all sides of controversial issues. A publication otherwise deemed appropriate shall not be excluded from the collection because it presents ideas considered distasteful or controversial. The District adheres to the American Library Association's standards on the subject of censorship.

~~The District shall provide learning assistance for students who may require special help beyond the regular classroom program. Peer tutoring, shall be provided free of charge to currently enrolled College of Marin students to support instruction, regardless of campus and modality.~~

Date Adopted: July 19, 2011

Date Reviewed/Revised: June 18, 2013

Date Reviewed/Revised:

Academic Affairs

CCLC 42 updated this legally required procedure to align with updated Title 5 regulations. Formatting updated. This is ACCJC linked and also a 10+1. Mici 5-31-2023

Copy to Jonathan/SLS 6-28-2023

Approved without changes. Jon H/Enrollment 8-16-2023

Approved with minor edit. Academic Senate 9-14-2023

AP 4100 GRADUATION REQUIREMENTS FOR DEGREES AND CERTIFICATES**References:**

Title 5 Sections 55002, 55060 et seq. and 55270 et seq.

Degree

The Associate of Arts (A.A.) Degree or Associate of Science (A.S.) Degree will be awarded to any student upon satisfactory completion of all of the following requirements:

1. Competence in reading, written expression, and mathematics, and satisfactory completion of a course in ethnic studies.
 - a. Students who have maintained catalog rights prior to Fall 2019:
 - 1) A satisfactory score on the Math Assessment Test, i.e., eligibility beyond Math 101 or,
 - 2) Completion of Elementary Algebra (Math 101 or Math 101A plus Math 101B or Math 101X plus Math 101Y) with a grade of "C" or higher, "CR" or "P", and
 - 3) Completion of Statway II (Stat 106),
 - 4) Completion of Intermediate Algebra (Math 103 or Math 103A plus Math 103B or Math 103X plus Math 103Y) with a grade of "C" or higher, "CR," or "P", and
 - 5) Completion of English 120 or 150 with a grade of "C" or higher, "CR," or "P" depending on the major requirements.
 - b. Students entering Fall 2019 or any term thereafter:
 - 1) A satisfactory score on the Math Competency Test,
 - 2) Enroll and pass a transfer-level math course with a grade of "C," "P," or higher, or
 - 3) Complete an Advanced Placement (AP) math (calculus AB, BC or statistics) exam with a score of "3" or higher, or
 - 4) Other means as written in the current catalog, and
 - 5) Completion of English 150 with a grade of "C" or higher.
2. The student must satisfactorily complete at least sixty (60) semester units of college work. A definition of "college work" that provides that courses acceptable toward the associate degree include those that have been properly approved pursuant to Title 5 Section 55002(a), or, if completed at other than a California community college, would reasonably be expected to meet the standards of that section.

~~The work must include~~ The work must include at least 18 semester units or 27 quarter units in general education and at least 18 semester units or 27 quarter units in a major listed in the community college's "Taxonomy of Programs."

The work must include at least 12 semester units or 18 quarter units of study in residence; the Board may excuse the residence requirement to alleviate injustice or undue hardship.

The general education requirements must include a minimum of work in the natural sciences, the social and behavioral sciences, humanities, and language and rationality.

Students may petition to have noncredit courses counted toward the satisfaction of requirements for an associate degree.

The District must offer ethnic studies.

- a. College of Marin courses numbered 0-99 do not apply toward the 60 units required for graduation, even though they may be listed as part of a vocational program major.
 - b. Students who have maintained catalog rights prior to Fall 2009, must have an overall grade point average (GPA) of 2.0 or higher in all courses taken at the College of Marin and all courses transferred from other colleges used toward a degree or Certificate of Achievement, and be in good academic standing at the college.
 - c. All students entering Fall 2009 or any term thereafter, each course applied towards the major or area of emphasis must be completed with a grade of "C" or higher, "CR" or "P" if the course is taken on a "pass/no-pass" basis (Title 5 Section 5063(a)(2))
3. A minimum of 19 semester units in general education and at least 18 semester units in an approved major as described in the college catalog. For general education, students may use COM's local GE pattern, CSU GE Breadth or IGETC. Courses in the major can double count as general education courses.
 4. A minimum of 12 units successfully completed in residence at the College of Marin.

Associate in Arts or Associate in Science for Transfer (AA-T/AS-T) Degrees

To earn an Associates in Arts or Associates in Science for Transfer (AA-T/AS-T) Degree, as described in the college catalog, a student must:

1. Complete a minimum of sixty (60) lower division CSU-transferable semester units.
 - a. Complete required units in the major, and
 - b. Complete either the CSU GE Breadth or IGETC pattern.
2. Each course required for the major or area of emphasis must be completed with a grade of "C" or higher, "CR" or "P" if the course is taken on a "pass/no-pass" basis (Title 5 Section 5063 (a) (2)).
3. Maintain a minimum grade point average (GPA) of 2.0 or higher in all CSU-transferable coursework.

4. A minimum of 12 degree-applicable units must be completed at the College of Marin.

Certificate of Achievement

A Certificate of Achievement will be awarded upon satisfactory completion of the following requirements:

1. Successful completion of a course of study or curriculum that consists of 18 or more semester units of degree-applicable credit coursework as described in the college catalog.
2. Students who have maintained catalog rights prior to Fall 2009, must have an overall grade point average (GPA) of 2.0 or higher for all courses taken at the College of Marin or transferred from other colleges, which are to be applied toward the Certificate of Achievement.
3. All students entering Fall 2009 or any term thereafter must complete each course applied towards the major and/or area of emphasis with a grade of "C" or higher, "CR" or "P" if the course is taken on a "pass/no-pass" basis (Title 5 Section 5063(a) (2)).
4. Courses numbered 0-99 are non-degree applicable but may be used for a Certificate when listed as a major requirement.

Skills Certificates

Requirements for skills certificates are less than 18 units and are listed in the college catalog. Students should check with the director or department chair for the process to receive completed certificates.

Catalog Rights

The catalog sets forth requirements for achieving an Associate Degree or Certificate of Achievement and these requirements may change from one catalog to the next. Catalog rights are established for any semester that a student is in attendance. The specific catalog employed toward graduation requirements for Associate Degrees or Certificates of Achievement and all implied rights cease after two consecutive semesters of nonattendance. State of California and federal law, as well as College of Marin Board Policy, shall take precedence over catalog rights. Students not enrolled when applying for an Associate Degree or Certificate of Achievement and who have maintained their catalog rights, may use that catalog or any subsequent catalog up to and including the current catalog.

Degree Requirements

District policies and procedures regarding requirements for general education, Associate Degrees and Certificate of Achievements are updated and published in the college catalog and filed with the State Chancellor's Office.

Course Substitution/Waiver

Substitution/Waiver for any required course must be approved through student petition. An official transcript and catalog description must accompany the petition. For non-comparable courses, Department Chairs will be consulted to determine course acceptability. Even with an approved waiver, students must complete a minimum of 60 units for graduation, have a minimum of 18 units in the major, 19 units in general education and complete the residency requirement.

Official Transcripts

In order to apply units completed at another institution toward a degree or a Certificate of Achievement,

official transcripts may be mailed or hand-delivered, provided they arrive in an original sealed and stamped envelope from the issuing institution. College of Marin will also accept faxed or e-mailed official transcripts from a district approved secured credentialing service. Official transcripts have an embossed or water seal. Official transcripts, if mailed, should be sent via U.S. Mail to the College of Marin Counseling Department, Kentfield, CA 94904. Transcripts from other colleges received by the College of Marin will not be copied for release to the student.

Transfer Units

1. U.S. Accredited Colleges: Students may only transfer lower division units from a regionally accredited college or university.
2. Foreign Colleges: Transcripts from foreign colleges and universities will be accepted only when evaluated by U.C., C.S.U., or an evaluating service recognized by the College of Marin. Lower division credit will be granted when the academic level of the course work is deemed to be comparable to that of classes taught in regionally accredited United States colleges and universities.
3. Upper Division Courses: Upper divisions units may not be used toward an AA or AS degree. Students may, however, submit a petition to the Office of Enrollment Services for a waiver of requirements with relevant upper division work. Even with an approved waiver, students must complete a minimum of 60 units for graduation, have a minimum of 18 units in the major, 19 units in general education and complete the residency requirement.

Graduation Applications

The completion of an Application for Graduation/Certificate of Achievement and any relevant official transcripts and petitions must be submitted by the established deadline.

1. Graduation requirements must come from a single catalog. Students, who have maintained their catalog rights, may use that catalog or any subsequent catalog up to and including the current catalog.
2. Students who have been awarded a degree and/or Certificate of Achievement in a major and want to be awarded the AA-T/AS-T degree in that same discipline must complete all requirements for that major to be awarded the degree.
3. A student who receives a Certificate of Achievement may subsequently complete requirements and earn a degree in the same major, since the degree represents a higher level of accomplishment. A Certificate of Achievement in the same major will not be granted after receipt of a degree in the same major. A student, who at the time of applying is eligible for a degree, will not be issued a certificate in the same major.

General Education (GE) Certification for Transfer

Students requesting GE Certification must complete:

1. All courses with a "C" or higher "CR" or "P" for IGETC Certification.
2. All courses with a 2.00 grade point average (GPA) or higher with a minimum of 30 units completed with a "C" or higher for CSU Certification.

Outstanding Debt

A Diploma, Certificate of Achievement may not be released until the student has paid all outstanding debts to the college.

Deleted Degrees and Certificate of Achievements

1. Students who have maintained their catalog rights:
 - a. After a degree or Certificate has been deleted, it may still be conferred for 3 years beyond the deleted date if the degree or Certificate of Achievement is not out-of-compliance with Title 5.
 - b. If courses that are part of a deleted degree or Certificate of Achievement have also been phased out, students and counselors should work with the discipline Department Chairs or coordinator to determine suitable/appropriate courses to substitute for requirements that are no longer offered.
2. Students who have not maintained their catalog rights, must follow the college's policy on Catalog Rights.
3. Degrees or Certificates of Achievement that are out-of-compliance with Title 5 cannot be conferred past the deletion date.

The District may obtain approval of a direct assessment competency-based program from the California Community College Chancellor's office.

For additional information pertaining to deleted degrees and Certificates of Achievement, please consult with a College of Marin Counselor.

Office of Primary Responsibility: Vice President of Student Learning and Success

Date Approved: December 9, 2008 (*Replaced portions of College of Marin Procedure 4.0003 DP.10*)

Date Reviewed/Revised: June 18, 2013; June 16, 2015; December 8, 2015; May 17, 2016; March 14, 2023

Date Revised:

Academic Affairs

CCLC 42 updated this legally required procedure to incorporate new requirements related to placing students in transfer-level English and mathematics within the first year of matriculation pursuant to changes in the Education Code. This is accreditation linked and also a 10+1. Mici 5-31-2023

Copy to Jonathan/SLS 6-28-2023

No changes. Cari/Instruction 8-31-2023

Approved with position designated as noted. Academic Senate 9-14-2023

AP 4222 REMEDIAL COURSEWORK**References:**

Education Code Section 78213;
Title 5 Sections 55035;
ACCJC Accreditation Standard II.A.4

Remedial coursework consists of pre-collegiate basic skills courses.

A student's need for remedial coursework shall be determined using appropriate assessment instruments, methods, or procedures.

No student shall receive more than 30 semester units for remedial coursework. A student who exhausts this unit limitation shall be referred to appropriate adult noncredit education services.

The District shall maximize the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe of the student's initial attempt in the discipline. For a student with a declared academic goal, the transfer-level coursework shall satisfy the English and mathematics courses course requirements of the intended certificate or associate degree, or a requirement for transfer within the intended major, within a one-year timeframe of their initial attempt in the discipline.

~~No student shall be required to enroll in remedial English or mathematics coursework that lengthens their time to complete a degree unless placement research that includes consideration of high school grade point average and coursework, shows that those students are highly unlikely to succeed in transfer level coursework in English and mathematics.~~

The District shall not recommend or require students to enroll in pretransfer-level English or mathematics coursework unless the student is highly unlikely to succeed in a transfer-level English or mathematics course based on their high school grade point average and coursework and the enrollment in pretransfer-level coursework will improve the student's probability of completing transfer-level coursework in English and mathematics within a one-year timeframe or, for credit English as a Second Language course students, completing transfer-level coursework in English within a three-year timeframe.

The District shall use, in the placement and enrollment of students into English and mathematics courses, one or more of the following measures: high school coursework, high school grades, and high school grade point average. When using multiple measures, the District shall apply multiple measures in the placement and enrollment of all students in such a manner that all of the following occur: (1) low performance on one measure shall be offset by a higher performance on another measure; (2) multiple measures shall be

used to increase a student's placement recommendation and shall not be used to lower it; (3) any one measure may demonstrate a student's preparedness for transfer-level coursework; (4) the multiple measures placement shall not require students to repeat coursework that they successfully completed in high school or college or for which they demonstrated competency through other methods of credit for prior learning; and (5) the multiple measures placement gives students access to a transfer-level course that will satisfy a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major.

If the District places and enrolls students into transfer-level mathematics or English coursework that does not satisfy a requirement for the student's intended certificate or associate degree, or a requirement for transfer within the intended major, the ~~designate position~~ Academic Senate, or its designee, shall determine that (1) the student is highly unlikely to succeed in a transfer-level English or mathematics course that satisfies a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major and (2) the enrollment will improve the student's probability of completing transfer-level mathematics or English coursework that satisfies a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major, within a one-year timeframe.

The District may require a student ~~may be required~~ to enroll in additional concurrent support, including additional language support for English as a Second Language students, during the same ~~semester~~ term that they take a transfer-level English or mathematics course, but only if the Academic Senate, or its designee, determines the support will increase the student's ~~their~~ likelihood of passing the transfer-level English or mathematics course. ~~The Academic Senate, or its designee, shall minimize the impact on student financial aid and unit requirements for the degree by exploring embedded and low or noncredit support options.~~

A student who successfully completes remedial coursework or who demonstrates skill levels which assure success in college-level courses may proceed with college-level coursework.

Students enrolled in one or more courses of English as a Second Language and students identified as having a documented learning disability are exempt from the limitations of this procedure.

Students who demonstrate significant, measurable progress toward development of skills appropriate to enrollment in college-level courses may be granted a waiver of the limitations of this procedure.

District and College of Marin catalogs shall include a clear statement of the limited applicability of basic skills coursework toward fulfilling degree requirements and any exemptions that may apply to this limitation.

Office of Primary Responsibility: Student Learning and Success

Date Approved: January 17, 2012

Date Reviewed/Revised: March 14, 2023

Date Revised:

Academic Affairs

CCLC 39 legally required update to reflect additions to Title 5 Regulations requiring districts to grant students credit for satisfactory completion of International Baccalaureate or College Level Examination Program examinations and requiring districts to ensure that students' academic records clearly annotate credit earned through such examinations. (Title 5 Section 55052.5) To the extent that districts grant students prior credit for successful completion of other prior learning experiences or examinations, such as Advanced Placement examinations, the Service recommends that districts use the same academic record symbol. Mici 8-24-2022

HOLD – need to figure out symbol. To Jon H./Enrollment 9-1-2022

To ASC/Academic Senate 10-21-2022

CCLC 42 Update aligns this procedure with updated Title 5 regulations. Formatting updated.

Mici 6-12-2023

Copy to Jonathan/SLS 6-28-2023

Revision as noted. Jon H/Enrollment 8-16-2023

Approved without changes. Academic Senate 9-14-2023

AP 4230 GRADING AND ACADEMIC RECORD SYMBOLS

References:

Title 5 Sections 55023 and 55050 et seq. 55024

Courses shall be graded using the grading system established by Title 5.

The grading system shall be published in the college catalog(s) and made available to students.

Grades from a grading system shall be averaged on the basis of the point equivalencies to determine a student's grade point average using only the following evaluative symbols:

College of Marin permits the following grading symbols:

The grading system shall include the "plus" and "minus" designation in combination with letter grades, except that C minus shall not be used.

The grading system shall include the "FW" grade for unofficial withdrawal.

The grading system shall include a notation for credit earned through successful competition of prior learning examinations, experiences, or assessments, pursuant to standards articulated in the District's administrative procedures and approved by the faculty in the appropriate discipline for which prior learning credit is earned.

Evaluative Symbols

A+ (Grade point value shall be 4.0)

A Excellent (Grade point value shall be 4.0)

A-	(Grade point value shall be 3.7)
B+	(Grade point value shall be 3.3)
B	Good (Grade point value shall be 3.0)
B-	(Grade point value shall be 2.7)
C+	(Grade point value shall be 2.3)
C	Satisfactory (Grade point value shall be 2.0)
D+	(Grade point value shall be 1.3)
D	Less than satisfactory (Grade point value shall be 1.0)
D-	(Grade point value shall be 0.7)
F+	(Grade point value shall be 0.3)
F	Failing (Grade point value shall be 0.0)
FW	Failing Withdraw indicates that a student has both ceased participating in a course some time after the last day to officially withdraw from the course without having achieved a final passing grade, and that the student has not received District authorization to withdraw from the course under extenuating circumstances. The "FW" symbol may not be used if a student has qualified for and been granted military withdrawal. If "FW" is used, its grade point value shall be zero (0).
P	Passing (At least satisfactory – units awarded not counted in GPA)
NP	No Pass (Less than satisfactory, or failing – units not counted in GPA)
SP	Satisfactory Progress towards completion of the course (Used for non-credit courses only and is not supplanted by any other symbol).

Non-Evaluative Symbols

I-Incomplete: An incomplete grade may be assigned to a student who cannot complete a small portion of the required academic work for unforeseeable, emergency and justifiable reasons ~~justifiable emergencies or unforeseeable, reasons at the end of the semester.~~ The condition for the removal of the "I" shall be stated by the instructor in a written record. The record shall contain the conditions for the removal of the "I" and the grade assigned in lieu of its removal. The record must be given to the student with a copy on file with the registrar until the "I" is made up or the time limit has passed. This will result in an "I" symbol being entered in the student's record. The decision to give an "I" ~~incomplete~~ rests solely with the instructor. A student who receives an Incomplete must ~~make arrangements with the instructor and must~~ arrange to make up the work

no later than one year following the end of the semester in which the "I" was assigned, (excluding summer sessions).

In extenuating circumstances, with the instructor's approval and the Dean of Enrollment Services' approval, the student may petition for an extension of not more than one additional semester. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. The instructor for the class shall give a copy of the incomplete form to the student. This form shall contain the conditions for the removal of the "I" and the grade assigned if the work is not completed. The instructor shall submit a change of grade form to the Office of Enrollment Services when the work is completed. If the "I" is not removed by the end of the subsequent second semester, and no extension has been granted, it shall be changed to the grade originally assigned by the instructor. ~~See BP 4250 titled Academic Probation, Dismissal, and Readmission, AP 4250 titled Probation, AP 4231 titled Grade Changes, AP 4255 Dismissal, and AP 5530 titled Student Grievances for additional information regarding "I" grades and other related matters.~~

IP - In progress: The "IP" symbol shall be used only in those courses which extend beyond the normal end of an academic term. It indicates that work is "in progress," but that assignment of an evaluative symbol (grade) must await its completion. ~~The "IP" symbol shall remain on the student's permanent record in order to satisfy enrollment documentation. The appropriate evaluative symbol (grade) and unit credit shall be assigned and appear on the student's permanent record for the term in which the course is completed replace the IP symbol once the course is completed. The "IP" shall not be used in calculating grade point averages. If a student enrolled in an "open entry, open exit" course is assigned an "IP" at the end of a term and does not re-enroll in that course during the subsequent term, the appropriate faculty will assign an evaluative symbol (grade) in accordance with the list of evaluative grades to be recorded on the student's permanent record for the course.~~

RD - Report Delayed: The "RD" symbol may be assigned by the registrar only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent symbol as soon as possible. "RD" shall not be used in calculating grade point averages.

W - Withdrawal: The "W" symbol may be used to denote withdrawal in accordance with the requirements of Title 5 Section 55024. A faculty member may withdraw a student from a course if the student has ceased to participate in the course as of the midterm grade submission date.

MW - Military Withdrawal: The "MW" symbol may be used to denote military withdrawal in accordance with Title 5 Section 55024.

EW - Excused Withdrawal: The "EW" symbol may be used to denote excused withdrawal in accordance with Title 5 Section 55024.

~~[Symbol] — Credit for Prior Learning: The "[Symbol]" symbol may be used to denote credit earned through successful completion of an International Baccalaureate examination, College Level Examination Program examination, Advanced Placement examination, or another experience, examination or assessment of prior learning, if the District determines that such prior learning satisfies the District's standards for measuring competencies comparable to those~~

~~achieved in baccalaureate or general education level courses. Standards for satisfactory completion of a prior learning experience, examination or assessment will be approved by the faculty in the appropriate discipline for which prior learning credit is earned.~~

Grading-Related Terms and Conditions

Consecutive	Semesters shall be considered consecutive based on a student's enrollment pattern.
Probation	A warning that a student's grades do not meet acceptable standards.
Dismissal	A student is not allowed to continue at the College unless the student petitions and the petition is approved.
Units	The conventional measurement of college work is called a unit. It represents one lecture hour per week for one semester together with two hours of preparation outside class, or three hours of laboratory work per week for one semester.

Mid-term Grade

Procedures for evaluation of student progress shall be in accordance with regulations set by the faculty and the College. The instructor shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student at mid-semester.

Final Grade

Enrollment, evaluation and credit for courses shall be entered on a student's official academic record in accordance with college policy and State law.

Final Examinations

Any student who is needlessly absent from any examination held at any time during a semester thereby forfeits any right to make up the work by re-examination. In case of illness or, if for some other unavoidable reason a student is unable to be present at an examination at the scheduled time, the student may be permitted to take the examination at a later date by arrangement with the instructor. To make up "I" grades, the examination must be completed by the last day of final examinations of the subsequent second semester.

Also see BP 4220 ~~titled~~ Standards of Scholarship, AP 4232 ~~titled~~ Pass/No Pass, BP 4250 ~~titled~~ Academic Probation, Dismissal, and Readmission, AP 4250 Probation, and AP 4255 Dismissal

Date Approved: December 6, 2007 (*Replaced portions of College of Marin Procedure 4.0003 DP.10*)

Revised: December 8, 2015; May 15, 2018

Reviewed/Revised:

Academic Affairs

CCLC 42 updated this procedure to align with updated Title 5 regulations. This is a 10+1. Mici 6-12-2023

Copy to Jonathan/SLS 6-28-2023

Revisions as noted to align with practices. Jon H/Enrollment 8-16-2023

Approved without changes. Academic Senate 9-14-2023

AP 4232 PASS/NO PASS

Reference:

Title 5 Section 55022

Courses may be offered in either or both of the following categories:

- Courses in which all students are evaluated on a "pass/no pass" basis. Such courses will be identified in the approved course outline of record, the College Catalog, and the Class Schedule.
- Courses in which each student may elect ~~on registration or within the first 30% of the semester or session until the last day of registration,~~ until the last day of instruction as established and published by the District, to take the course on a "pass/no pass" basis. Such courses will be identified in the approved course outline of record, the College Catalog, and the Class Schedule. Instructors' grade rosters will only allow "pass/no pass" grading for students who have requested this option by the appropriate deadline.

A student electing to be evaluated on the "pass/no pass" basis will receive both course credit and unit credit upon satisfactory completion of the course. No changes (election to "pass/no pass" or reversal of "pass/no pass") to the evaluation method can be made after 30% of the term or session has passed.

A "pass" grade is granted for performance that is equivalent to the letter grade of "C" or better. A student who fails to perform satisfactorily will be assigned a "no pass" grade.

Students are held responsible for all assignments and examinations required in the course. The standards of evaluation are identical for all students in the course.

Date Approved: May 18, 2010 (~~Replaces portions of current College of Marin Procedure 4.0003-DP.10~~)

Reviewed/Revised: May 15, 2018

Revised:

Student Services

CCLC 42 updated this legally required procedure to remove requirement that courses be certified for remedial purposes and require they be certified for pre-transfer level courses pursuant to changes in the Education Code. This is a 10+1. Mici 6-13-2023

Copy to Jonathan/SLS 6-28-2023

Approved. Jon H/Enrollment 9-14-2023

To Academic Senate 9-15-2023

AP 5011 ADMISSION AND CONCURRENT ENROLLMENT OF HIGH SCHOOL AND OTHER YOUNG STUDENTS**References:**

Education Code Sections 48800, 48800.5, 76001, and 76002;

Title 5 Section 55530, and Board Policy 5010

The District authorizes the admission of special part-time and full-time minor students, who will benefit from advanced scholastic or vocational work and to help ensure a smoother transition from high school to college for students by providing them with greater exposure to the collegiate atmosphere.

The District retains the authority to restrict admission or enrollment of special part-time or full-time students in any session based on age, grade-level completion, current academic performance, or assessment and placement procedures in compliance with matriculation policies and procedures.

I. Definitions

- **Special Part-Time Student:** Any minor student (any elementary school, middle school, high school, or home-schooled student) who takes 11 or less community college course units during the Fall or Spring semesters and/or Summer Session(s) and meets certain eligibility standards.
- **Special Full-Time Student:** Any minor student (any elementary school, middle school, high school, or home-schooled student) who takes 12 or more community college course units during the Fall or Spring semesters and/or Summer Session(s) and meets certain eligibility standards.
- **Dual Enrollment or Concurrent Enrollment Student:** For purposes of this administrative procedure, the terms dual enrollment student and concurrent enrollment student are used interchangeably and defined as a student concurrently receiving both high school and college credit for the same course. Dual enrollment and concurrent enrollment students are a subset of special part-time or full-time students.

II. Special Part-Time Students

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

Admission Procedures

Admission is subject to seat availability. The student must submit to the Dean of Enrollment Services:

- College admissions application;
- College Credit Program (CCP) Form which includes:
 - a) Written and signed parental or guardian consent;

- b) Written and signed approval of the high school principal (NOTE: A parent or guardian of a student who is not enrolled in a public or private school may petition directly without the signature of a principal);
- c) Signature of a College of Marin counselor;
- Demonstration that the student is capable of profiting from instruction. The Dean of Enrollment Services or his/her designee has the authority to make the final decision whether a student can benefit from instruction; and
- Depending on the requested courses, students may be required to complete the appropriate College matriculation process prior to registration.

Academic Eligibility

- Students must meet the stated prerequisite and/or co-requisite requirements for the desired course.
- Students with a disability (verification to be provided by the school of attendance) may be referred to Disabled Student Programs and Services for accommodation.

Limitations on Enrollment

- For the first semester, students with a cumulative high school grade point average (GPA) lower than 3.0 may be allowed to enroll in one course. Students wanting to enroll in two courses must have earned a cumulative GPA of 3.0 or better.
- A special part-time student may enroll in up to, and including, 11 units per semester.
- Students may not initially enroll in any course numbered below 100.

III. Special Full-Time Students

To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.5.

Admission Procedures

Admission is subject to seat availability. The student must submit to the Dean of Enrollment Services:

- A completed College admissions application;
- A completed College Credit Program (CCP) Form which includes:
 - a) Signature of the parent or guardian;
 - b) Signature of the high school principal. (Note: A student who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her school principal);
 - c) Signature of a College of Marin counselor;
- Written approval of the governing board of the school district of attendance;
- Demonstration that the student is capable of profiting from instruction. The Dean of Enrollment Services or his/her designee has the authority to make the final decision whether a student can benefit from instruction; and
- Depending on the requested courses, students may be required to complete the appropriate College matriculation process prior to registration.

Academic Eligibility

- For all courses attempted students must meet the stated pre-requisite and/or co-requisite for the desired course.
- Students with a disability (verification to be provided by the school of attendance) may be referred to Disabled Student Programs and Services for accommodation.

Limitations on Enrollment

- Students are limited to 12 units for their first semester. For additional units, students must meet with a College of Marin counselor to complete the Petition to Carry Extra

Units. A counselor's signature must be on the Petition to be accepted by the Office of Admissions and Records.

- Students may not initially enroll in any course numbered below 100.

IV. Summer Session Students

To be considered for admission as a special summer session student, the student must meet the eligible standards as established in Education Code sections 48800 and 76001. Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance.

The student must submit to the Dean of Enrollment Services:

- Written and signed parental or guardian consent;
- Signature of a College of Marin counselor; and
- Written and signed approval of his/her/their principal that the student has availed himself/herself/themself of all opportunities to enroll in an equivalent course at his/her school of attendance; and demonstration that the student has adequate preparation in the disciplines to be studied.

All required documents shall be sent to the Dean of Enrollment Services.

V. High School Students

For students attending high school, the Dean of Enrollment Services will review the materials, and will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college. The decision of the Dean of Enrollment Services shall be final. This determination may be done by evaluating the following criteria:

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

VI. Middle and Lower School Students

For students attending middle and lower schools, the determination shall be made by the Dean of Enrollment Services in conjunction with faculty. The school of attendance must provide transcripts and a letter signed by the principal indicating how in his/her/their opinion the student can benefit from instruction. The Dean of Enrollment Services and faculty will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college, and that the student's safety and that of others will not be affected.

The decision of the Dean of Enrollment Services and faculty to admit or deny admissions will be final. Once a decision has been made, the student, parent or guardian and school principal shall be informed of the decision. This determination may be made by evaluating the following criteria:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with a College of Marin counselor for matriculation;
- Consideration of the welfare and safety of the student and others;
- Consideration of local, state, or federal laws;
- Review of the content of the class in terms of sensitivity and possible effects on the minor;
- Requirements for supervision of the minor;
- Times the class(es) meet and the effect on the safety of the minor; or

- Instructor's recommendations.

VII. Home Schooled Students

In addition to meeting all the requirements as established in the above described procedures, home schooled students are required to provide an affidavit from the County Board of Education indicating they are legally home schooled or chartered.

VIII. Course Rigor

Courses in which high school and other young students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline. Once enrolled, students must meet all standards for academic performance at the college level and conform to expectations of student conduct. The school of attendance retains the right to apply course credit.

IX. Physical Education

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

X. Courses Open to the Public

All classes must be open to the general public, and there may be limitations on the number of students who may enroll in a particular course. If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.

XI. Appeals

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

XII. College and Career Access Pathways (CCAP)

The Board of Trustees has adopted all the legal requirements of Education Code Section 76004 in order to participate in the College and Career Access Pathways (CCAP) partnership with the governing board of a school district or a county office of education for the purpose of offering or expanding dual enrollment opportunities for students who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school, ~~including continuation high school,~~ to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school students achieve college and career readiness.

The District may enter into a CCAP partnership with a school district or a county office of education partner that is governed by a CCAP partnership agreement approved by the governing boards of both ~~districts partners~~. As a condition of adopting a CCAP partnership agreement, the governing board of each ~~district partner~~, shall do both of the following:

- For career technical education pathways to be provided under the partnership, consult with and consider the input of the appropriate local workforce development board to determine the extent to which the pathways are aligned with regional and statewide employment needs. The governing board of each ~~district partner~~ shall have final decision-making authority regarding the career technical education pathways to be provided under the partnership; and

- Present, take comments from the public on, and approve or disapprove the dual enrollment partnership agreement at an open public meeting of the governing board of the district.

The CCAP partnership agreement shall be filed with the California Community Colleges Chancellor's Office and with the department before the start of the CCAP partnership, and shall:

- outline the terms of the CCAP partnership and shall include, but not necessarily be limited to, the total number of high school pupils to be served and the total number of full-time equivalent students projected to be claimed by the community college district for those pupils; the scope, nature, time, location, and listing of community college courses to be offered; and criteria to assess the ability of students to benefit from those courses.
- establish protocols for information sharing, in compliance with all applicable state and federal privacy laws, joint facilities use, and parental consent for high school students to enroll in community college courses. The protocols shall only require a high school pupil participating in a CCAP partnership to submit one parental consent form and principal recommendation for the duration of the pupil's participations in the CCAP partnership.
- identify a point of contact for the participating community college district and school district or county office of education partner.
- certify that any community college instructor teaching a course on a high school campus has not been convicted of any sex offense as defined in Education Code Section 87010 or any controlled substance offense as defined in Education Code Section 87011.
- certify that any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus.
- certify that a qualified high school teacher teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus.
- include a plan by the participating community college district to ensure ~~all~~ both of the following:
 - A community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus; and
 - ~~○ A community college course that is oversubscribed or has a waiting list shall not be offered in the CCAP partnership; and~~
 - Participation in a CCAP partnership is consistent with the core mission of the community colleges pursuant to Education Code Section 66010.4, and that students participating in a CCAP partnership will not lead to enrollment displacement of otherwise eligible adults in the community college.
- certify that both the school district and community college district partners comply with local collective bargaining agreements and all state and federal reporting requirements regarding the qualifications of the teacher or faculty member teaching a CCAP partnership course offered for high school credit.
- specify both of the following:
 - Which ~~participating district~~ partner will be the employer of record for purposes of assignment monitoring and reporting to the county office of education; and

- Which ~~participating district partner~~ will assume reporting responsibilities pursuant to applicable federal teacher quality mandates.
- certify that any ~~remedial~~ pretransfer-level course taught by community college faculty at a partnering high school campus shall be offered only to high school pupils who do not meet their grade level standard in math, English, or both on an interim assessment in grade 10 or 11, as determined by the partnering school district, and shall involve a collaborative effort between high school and community college faculty to deliver an innovative ~~remediation~~ pretransfer course as an intervention in the pupil's junior or senior year to ensure that the pupil is prepared for college-level work upon graduation.

A community college district participating in a CCAP partnership shall not provide physical education course opportunities to high school students or any other course opportunities that do not assist in the attainment of at least one of the following goals:

- developing seamless pathways from high school to community college for career technical education or preparation for transfer;
- improving high school graduation rates; or
- helping high school students achieve college and career readiness.

The District will not enter into a CCAP partnership with a school district or county office of education within the service area of another community college district , except where an agreement exists, or is established, between those community college districts authorizing that CCAP partnership.

A high school student enrolled in a course offered through a CCAP partnership shall not be assessed any fee that is prohibited by Education Code Section 49011.

The District may assign priority for enrollment and course registration to a student seeking to enroll in a community college course that is required for the student's CCAP partnership program that is equivalent to the priority assigned to a student attending a middle college high school as described in Education Code Section 11300 and consistent with middle college high school provisions in Education Code Section 76001. Units completed by a pupil pursuant to a CCAP agreement may count towards determining a pupil's registration priority for enrollment and course registration at a community college.

The District may limit enrollment in a community college course solely to eligible high school students if the course is offered at a high school campus, either in person or using an online platform, during the regular school-day and the community college course is offered pursuant to a CCAP partnership agreement.

The District may allow a special part-time student participating in a CCAP partnership agreement established pursuant to this article to enroll in up to a maximum of 15 units per term if all of the following circumstances are satisfied:

- The units constitute no more than four community college courses per term;
- The units are part of an academic program that is part of a CCAP partnership agreement established pursuant to this article; and
- The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential.

The governing board of the District exempts special part-time students from the following fee requirements:

- Student representation fee (Education Code Section 76060.5);
- Nonresident tuition fee and corresponding permissible capital outlay fee or processing fee (Education Code Section 76140);
- Transcript fees (Education Code Section 76223);
- Course enrollment fees (Education Code Section 76300);
- Apprenticeship course fees (Education Code Section 76350); and

The District or county office of education shall not receive a state allowance or apportionment for an instructional activity for which the ~~partnering-district~~ partner has been, or shall be, paid an allowance or apportionment.

The attendance of a high school pupil at a community college as a special part-time or full-time student pursuant to this section is authorized attendance for which the community college shall be credited or reimbursed pursuant to Education Code Section 48802 or 76002, provided that no school district or county office of education has received reimbursement for the same instructional activity. For purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, at least 80 percent (80%) of the instructional time offered by a charter school pursuant to an authorized CCAP partnership agreement shall be at the school site, and the charter school shall require the attendance of a pupil for a minimum of 50 percent (50%) of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Education Code Section 47612.5, if the pupil is also a special part-time student enrolled in a community college pursuant to this section and the pupil will receive academic credit upon satisfactory completion of enrolled courses.

For each CCAP partnership agreement entered into pursuant to this section, the District shall report annually to the California Community Colleges Chancellor's Office, the Legislature, the Director of Finance, and the Superintendent all of the following information:

- The total number of high school students by school site enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws.
- The total number of community college courses by course category and type and by school site enrolled in by CCAP partnership participants.
- The total number and percentage of successful course completions, by course category and type and by school site, of CCAP partnership participants.
- The total number of full-time equivalent students generated by CCAP partnership community college district participants.
- The total number of full-time equivalent students served online generated by CCAP partnership community college district participants.

XIII. Location of Information

Current information regarding the procedures for application, admission, and enrollment of high school students is available on the College of Marin website at <http://www.marin.edu>.

Office of Primary Responsibility: Student Learning and Success

Date Approved: June 22, 2010 (*Replaced part of College of Marin Procedure 4.0003 DP.1*)

Reviewed/Revised: August 21, 2012; February 21, 2017; May 17, 2022

Revised:

Student Services

CCLC 42 updated this policy to allow specified athletes to be entitled to classification as residents tuition and fee purposes pursuant to changes in the Education Code. This is a 10+1. Mici 5-25-2023

Copy to Jonathan/SLS 6-28-2023

Approved. Jon H/Enrollment 9-14-2023

Copy to Ryan B. 9-15-2023

Approved. Academic Senate 9-21-2023

BP 5015 RESIDENCE DETERMINATION**References:**

Education Code Sections ~~66093.3, 68000 et seq., 68130.5~~, 68040, ~~68074 – 68075.7~~, 68086 and 76140;
Title 5 Sections 54000 et seq.;
38 U.S. Code Section 3679

Residence Classification

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

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Notwithstanding this standard for determining bona fide California residency, a student with military or veteran status may be deemed to qualify as a California resident for in-state tuition eligibility, in accordance with state and federal law.
- Residence classification is the responsibility of the Office of Enrollment Services.

Any Team USA student athlete who trains in the state in an elite level program approved by the United States Olympic and Paralympic Committee is entitled to resident classification for tuition and fee purposes until the athlete has resided in the state the minimum time necessary to become a resident.

Students must be notified of residence determination within 14 calendar days of submission of application.

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

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

Right to Appeal

Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the

Office of Enrollment Services, may make written appeal to the Dean of Enrollment Services within 30 calendar days of notification of final decision by the District regarding classification.

Appeal Procedure

The appeal is to be submitted to the Office of Enrollment Services which must forward it to the Dean of Enrollment Services within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Dean of Enrollment Services shall review all the records and have the right to request additional information from either the student or the Office of Enrollment Services.

Within 30 calendar days of receipt, the Dean of Enrollment Services shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification

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

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

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

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

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

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

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

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

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Dean of Enrollment Services will make a determination, based on the evidence, and notify the student not later than 14 days of receipt of the petition for reclassification.

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

Non-Citizens

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

Non-citizens present in the United States without documentation or with any type of temporary visa, will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

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

A student who is without lawful immigration status may be classified as a resident if he/she/they meets the following requirements:

- *high school attendance in California for three or more years;*
- *graduation from a California high school or attainment of the equivalent thereof;*
- *registration for classes not earlier than the fall semester or quarter of 2001-2002;*
- *the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.*

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet one of the following requirements:

- Total attendance of, or attainment of credits earned while in California equivalent to three or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or The Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Dean of Enrollment Services. Students may appeal the decision.

The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.

Where permitted by law, the Superintendent/President of District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status.

Examples of documents that can be used as proof of residency include but are not limited to:

- Registering a motor vehicle operated in California;
- Obtaining a California driver's license or California identification card;
- Filing a resident or nonresident California state income tax return;
- Listing a California address on a federal income tax return;
- Listing a permanent military address or home of record in California;
- A professional or vocational license obtained from a California state licensing agency (e.g., nursing, teaching credentials);
- Maintaining active resident memberships in California based professional organizations (e.g., police union, teachers' union); and
- Maintaining an active bank account at a California bank

Where District is permitted by law to request parent's residency information for a minor student in order to determine tuition or aid, the District shall only require documentation or information that is available to persons regardless of immigration status (as noted above).

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this procedure, the District's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and authorized under this procedure.

Specifically, where District must determine a student's residency for purposes of in-state tuition, the District shall not inquire about a parent/guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the District shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.).

Also see BP/AP 3415 District Response to Immigration Enforcement Actions; BP/AP 3501 Campus Security and Access; BP 5015 Residence Determination; BP/AP 5040 Student Records, Directory Information and Privacy

Office of Primary Responsibility: Office of Enrollment Services

Date Approved: December 8, 2009 *(Replaced part of College of Marin Procedure 4.0003 DP.1)*

Dates Reviewed/Revised: February 12, 2019, April 16, 2019; April 13, 2021; November 15, 2022

Date Revised:

Student Services

CCLC 42 updated this procedure to allow specified athletes to be entitled to classification as residents for tuition and fee purposes pursuant to changes in the Education Code. This is a 10+1. Mici 6-13-2023

Copy to Jonathan/SLS 6-28-2023

Approved. Jon H/Enrollment 9-14-2023

To Academic Senate 9-15-2023

AP 5015 RESIDENCE DETERMINATION

References:

Education Code Sections 66093.3, 68000 et seq., 68130.5, 68074 - 68075.7, and 68086;

Title 5 Sections 54000 et seq.;

38 U.S. Code Section 3679

Residence Classification

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

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Office of Enrollment Services.

Students must be notified of residence determination within 14 calendar days of submission of application.

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

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

Rules Determining Residence

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

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

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

Determination of Resident Status

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

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the

college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:

- He/she/they holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - He/she/they holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - He/she/they is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
 - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
 - Any Team USA student athlete who trains in the state in an elite level program approved by the United States Olympic and Paralympic Committee is entitled to resident classification for tuition and fee purposes until the athlete has resided in the state the minimum time necessary to become a resident.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
 - A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty and is attendance at, or has been admitted to the District shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
 - A student who is a member of the armed forces of the United States stationed in this state, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.

- A veteran who was discharged or released from at least ninety (90) days of active service, commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.
- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.
- An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
- A student who is a minor and resides with his/her/their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is nineteen (19) years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he/she/they has sufficient income to have personal income tax liability shall be entitled to resident classification.
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she/they intends to establish residency in California as soon as possible.

- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by Education Code Section 76140 for the length of time he/she/they lives in this state up to the minimum time necessary to become a resident.

Right to Appeal

Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the Office of Enrollment Services, may make written appeal to the Dean of Enrollment Services within 30 calendar days of notification of final decision by the District regarding classification.

Appeal Procedure

The appeal is to be submitted to the Office of Enrollment Services which must forward it to the Dean of Enrollment Services within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Dean of Enrollment Services shall review all the records and have the right to request additional information from either the student or the Office of Enrollment Services.

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

Reclassification

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

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

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

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

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

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
- Has not and will not receive more than seven-hundred and fifty dollars (\$750) per year in financial assistance from his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification; and
- Has not lived and will not live for more than six weeks in the home of his/her/their parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.

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

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

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

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

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

Non-Citizens

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

Non-citizens present in the United States without documentation or with any type of temporary visa, will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

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

A student who is without lawful immigration status may be classified as a resident if he/she/they meets the following requirements:

- *high school attendance in California for three or more years;*
- *graduation from a California high school or attainment of the equivalent thereof;*
- *registration for classes not earlier than the fall semester or quarter of 2001-2002;*
- *the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.*

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet one of the following requirements:

- Total attendance of, or attainment of credits earned while in California equivalent to three or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or The Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Dean of Enrollment Services. Students may appeal the decision.

The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.

Where permitted by law, the Superintendent/President of District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status.

Examples of documents that can be used as proof of residency include but are not limited to:

- Registering a motor vehicle operated in California;
- Obtaining a California driver's license or California identification card;
- Filing a resident or nonresident California state income tax return;
- Listing a California address on a federal income tax return;
- Listing a permanent military address or home of record in California;
- A professional or vocational license obtained from a California state licensing agency (e.g., nursing, teaching credentials);
- Maintaining active resident memberships in California based professional organizations (e.g., police union, teachers' union); and
- Maintaining an active bank account at a California bank

Where District is permitted by law to request parent's residency information for a minor student in order to determine tuition or aid, the District shall only require documentation or information that is available to persons regardless of immigration status (as noted above).

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this procedure, the District's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and authorized under this procedure.

Specifically, where District must determine a student's residency for purposes of in-state tuition, the District shall not inquire about a parent/guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the District shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.).

Also see BP/AP 3415 District Response to Immigration Enforcement Actions; BP/AP 3501 Campus Security and Access; BP 5015 Residence Determination; BP/AP 5040 Student Records, Directory Information and Privacy

Office of Primary Responsibility: Office of Enrollment Services

Date Approved: December 8, 2009 (*Replaced part of current College of Marin Procedure 4.0003 DP.1*)

Date Reviewed/Revised: February 12, 2019; April 16, 2019; April 19, 2022; September 20, 2022

Date Revised:

Student Services

CCLC 42 updated this required policy to include an additional citation to the Education Code and clarify when a district may withhold registration privileges or transcripts. **This is a 10+1 and it is linked to ACCJC.** Mici 5-25-2023

Approved. Jon H/Enrollment 9-14-2023

Approved. Academic Senate 9-21-2023

BP 5035 WITHHOLDING OF STUDENT RECORDS**References:**

Education Code Section 66022;

Title 5 Section 59410

~~Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation shall have diplomas, registration privileges, and other services withheld.~~

~~The District must provide a student or former student with written notice that he/she/they have failed to pay a financial obligation due to the District before the District commences any activity to collect the debt.~~

~~The District may not withhold grades or transcripts for a student or former student as a consequence of the student's outstanding financial obligation to the District. The District may not withhold registration privileges for a student or former student as a consequence of defaulting on a loan or loans under the Federal Family Education Loan Program only. The District may withhold diplomas as a consequence for a student or former student of defaulting on a loan.~~

Date Adopted: October 13, 2009

Reviewed/Revised: November 9, 2021; June 21, 2022

Revised:

Student Services

CCLC 42 updated this legally required policy to state that a district will develop and implement a process for students, staff, and faculty to declare an affirmed name, gender, or both pursuant to changes in the Education Code. This is a 10+1 and ACCJC linked. Mici 5-25-2023

Copy to Jonathan 6-28-2023

Approved Jon H. 9-14-2023

Copy to Mia 9-15-2023

Approved. Academic Senate 9-21-2023

BP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY**References:**

Education Code Sections 66271.4 et seq. and 76200 et seq.;

Title 5 Sections 54600 et seq.;

20 U.S. Code Section 1232g subdivision (4);

ACCJC Accreditation Standard II.C.8

The Superintendent/President shall assure that student records are maintained in compliance with applicable state and federal laws relating to the privacy of student records.

The Superintendent/President may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified by any person not authorized to do so.

Any currently enrolled or former student of the District has a right of access to any and all student records relating to him/her/them maintained by the District. The Superintendent/President shall implement a system by which current students can declare an affirmed name, gender, or both name and gender identification to be used in their records where legal names are not required by law. Upon the request of a current student, the District shall update any records for the student to include the affirmed name, gender, or both name and gender identification. The records that shall be updated include but are not limited to District-issued email addresses, student identification cards, class rosters, transcripts, diplomas, certificates of completion of courses, or similar records. Upon request by a former student of the District, the District will update and reissue student records to include an updated legal name or gender. These documents include but are not limited to transcripts or a diploma.

Commencing with the 2023–24 graduating class, a graduating current student may request the District confer the diploma in the student's chosen affirmed name. The District cannot require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's chosen name listed on the student's diploma records.

No District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable state and federal laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information.

Directory information shall include:

- Name
- Level of education
- Academic majors
- Enrollment Status by Term (enrolled/not enrolled)
- Student participation in officially recognized activities and sports including weight, height, and high school of graduation of athletic team members.
- Degrees and awards received by students, including honors, scholarship awards, athletic awards, and Dean's List recognition.

The Solomon Amendment to Family Educational Rights and Privacy Act (FERPA) requires the District, upon request, to provide "student recruiting information" on any currently enrolled student who is at least 17 years of age to any branch of the armed services unless the student has opted out. "Student recruiting information" is defined by federal law as name, address, telephone numbers, age or date of birth, class level, degrees received, major, most recent educational institution attended. The District shall not release student recruiting information to military recruiters for those students who request that such information not be released. The District shall establish procedures for students requesting to have any information withheld.

Also see BP/AP 3300 Public Records

Date Adopted: December 13, 2011 (*Replaces College of Marin Policy 4.0021*)

Date Reviewed/Revised: January 17, 2017; March 14, 2017; June 19, 2018; May 16, 2023

Date Revised:

Student Services

CCLC 42 updated this legally required procedure to provide a process for students to declare an affirmed name, gender, or both pursuant to changes in the Education Code. This is a 10+1 and also accreditation linked. Mici 6-13-2023

Approved. Jon H/Enrollment 9-14-2023

Copy to Mia/General Counsel 9-15-2023

To Academic Senate 9-15-2023

AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION AND PRIVACY**References:**

Education Code Sections 66093.3, 66271.4, and 76200 et seq.;
Title 5 Section 54600 et seq. and 59410;
Civil Code Sections 1788.90 et seq. and 1798.85;
10 U.S. Code Section 503;
20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act);
ACCJC Accreditation Standard II.C.8

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

Collection and Retention of Student Information

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The Dean of Enrollment Services shall maintain in writing, the District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The District will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

The District will provide students an opportunity to opt out of disclosure of directory information.

Notices must describe the following:

- The kind of information that the school has identified as directory information;
- The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
- The period of time in which the eligible student has to notify the school in writing that he or she does not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

The District police department shall not inquire into an individual's immigration status for immigration enforcement purposes.

The District police department shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

Release of Student Records

No instructor, official, employee, or Board member shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent by completing and submitting an Authorization for Release of Information Form to the Office of Enrollment Services.
- Directory information may be released in accordance with the definitions in *BP 5040 Student Records, Directory Information and Privacy*.
- Currently enrolled students may request that directory information be permanently kept confidential by filing a Request to Withhold Directory Information Form with the Office of Enrollment Services.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. Upon receipt of a judicial order or lawfully issued subpoena the Office of Enrollment Services will notify the student of the request. If there is no written objection from the student within two weeks of notification, the requested records will be released. (34 Code of Federal Regulations, Part 99.31)
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. Officials and employees of the District having a legitimate educational interest to inspect the records of a student must receive authorization from the Dean of Enrollment Services.
- Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to state or federal law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal

requirements. A request to release student records to the agencies listed above must be made in writing to the Dean of Enrollment Services.

- Student records may be released to officials of other public or private schools or school systems, including local, county, or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. A request to release student records to the agencies listed above must be made in writing to the Dean of Enrollment Services.
- Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. A request to release financial aid records to agencies and organizations must be made in writing to the Dean of Enrollment Services.
- Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies, or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted. Requests of student records for the purposes as described above must be made in writing to the Dean of Enrollment Services and/or the Director of Planning, Research and Institutional Effectiveness.
- Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. Student records may be released for the purposes as described above by making a verbal or written request to the Dean of Enrollment Services, Campus Police or other responsible District administrator.
- The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, e-mail addresses, dates and places of birth, levels of education, degrees received, prior military experience, or the most recent previous educational institutions enrolled in by the students. The District will not release student recruiting information to military recruiters for those students who request that directory information not be released.

Access to Student Records for Immigration Enforcement Purposes

The District must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only.

Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent or guardian, before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, District must provide a copy of the records to be released. The party to whom the information is disclosed may not redisclose the information to any other party without the prior consent of the student or subsequent court order, or as required or permitted by law.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

- Contact information for the correct person to review and respond to a request for student records.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- District personnel shall provide a set of responses for personnel to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the District's General Counsel and Dean of Enrollment Services, personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:

1. Ask for the officer's name, identification number, and agency affiliation;
2. Record or copy this information;
3. Ask for a copy of any warrants;
4. Inform the officer that you are not obstructing his or her efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus police shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with the Family Educational Rights and Privacy Act (FERPA).

Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information

Unless required by federal or state law, District shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

Where any law contemplates submission of immigration status or citizenship status information to satisfy the requirements of a special program, District shall not use that documentation or information for decisions related to admissions or enrollment in courses or degree programs.

District is not permitted to use immigration status, citizenship status, or national origin information in personal statements outside the application process, other than for legitimate educational interests, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement or financial aid.

If District learns of a student's immigration status through its application process (including the students' personal statement or answers to personal insight questions), District shall create policies and

procedures to protect such personal identifiable information and retain the information only to the extent it is necessary or required by law. The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by FERPA or state law.

Charge for Transcripts or Verifications of Student Records

A student/former student shall be entitled to two free copies of the transcript of his/her/their record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her/them, at the rate published in the most current Catalog and Schedule of Classes. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her/their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her/their social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she/they has the right to stop the use of his/her/their social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

Name, Gender Identity, and Gender Changes to ~~Former~~ Student Records

Current students can declare an affirmed name, gender, or both name and gender identification to be used in their records where legal names are not required by law. Upon the request of a current student, the District shall update any records for the student to include the affirmed name, gender, or both name and gender identification. The records that shall be updated include but are not limited to District-issued email addresses, student identification cards, class rosters, transcripts, diplomas, certificates of completion of courses, or similar records.

If the District receives government-issued documentation, as described below, from a former student demonstrating that the former student's legal name or gender has been changed, the District shall update the former student's records to include the updated legal name or gender. If requested by the former student, the District shall reissue any documents conferred upon the former student with the former student's updated legal name or gender. Documents that shall be reissued by the District upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

The District shall not charge a higher fee for correcting, updating, or reissuing a document or record based on an affirmed name, gender identification, or legal name or gender change than the fee it charges for correcting, updating, or reissuing that document or record generally.

The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

- State-issued driver's license or identification card;
- Birth certificate;
- Passport;
- Social security card;
- Court order indicating a name change or a gender change, or both.

The District is not required to modify records that the former student has not requested for modification or reissuance.

~~Commencing with the 2023–24 graduating class, a graduating student may request that the District confer the diploma in the student's chosen name.~~ The District cannot require a graduating current student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's ~~chosen~~ affirmed name listed on the student's ~~diploma records~~.

Also see BP/AP 3300 Public Records; BP/AP 3415 District Response to Immigration Enforcement Action; BP/AP 3501 Campus Security and Access; and BP/AP 5015 Residence Determination; BP/AP 5040 Student Records, Directory Information and Privacy.

Office of Primary Responsibility: ~~Office of~~ Enrollment Services

Date Approved: November 18, 2011 (*Replaced Procedure 4.0021 DP.1 and portions of 4.0003 DP.1*)

Reviewed/Revised: January 15, 2013; May 15, 2018; May 17, 2022; September 20, 2022

Revised:

Student Services

CCLC 42 updated this legally required procedure to align with updated Title 5 regulations. Formatting cleaned up. Our procedure does not exactly track the language of the model procedure. This is a 10+1.

Mici 6-13-2023

Approved. Jon H/Enrollment 9-14-2023

Copy to Mia/General Counsel 9-15-2023

To Academic Senate 9-15-2023

AP 5075 CREDIT COURSE ADDS AND DROPS**References:**

Title 5 Sections 55024, ~~55040, 55041, 55043, 55045~~, 58004, ~~58508~~ and 58509

Adding Courses

1. Students may add classes through the census date on-line through the MyCOM Portal or in-person at the Office of Enrollment Services as described in the most current Schedule of Classes and the website.
2. Students may add or withdraw from open-entry/open-exit classes at any point in the term using the process described in the class schedule and the website.

Late Enrollment Procedures

After the student was in attendance by census and there were extenuating circumstances that prevented the student from registering on the last day to add, students may petition to add classes by submitting a Petition to Add a Class Late provided there is verifiable documentation that extenuating circumstances occurred. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student that prevented enrollment by the established deadline dates. All supporting documents must be attached to the petition at the time of submission to the Office of Enrollment Services.

1. Full-Term Classes
Students may petition to add classes late one week after the registration period concludes provided the student was fully participating in the class by census date.
2. Short-Term Classes
Students may petition to add classes late one week after the registration period concludes provided the course is still in session and the student was fully participating in the class by census date.
3. Students will be informed of the decision by the Office of Enrollment Services within ten days of submitting the petition. Students should continue to attend the class until they hear the results of their petitions. If the petition was approved, the student must notify the instructor that they are officially enrolled in the class. If the petition was denied, both the student and the instructor will be informed that the petition for late enrollment was denied and the student can no longer attend the class.

4. Deadline dates for submitting the Petition to Add a Class Late are published in the most current Catalog, Schedule of Classes and on the website. Petitions to add a class late will not be accepted after these dates.

Withdrawals

Withdrawals, or drops, are authorized through the last day of the fourteenth week of instruction or 75% of the term, whichever is less. Students may withdraw from class using the online process described in the current class schedule or they may submit a Drop Form to the Office of Enrollment Services. It is the student's responsibility to withdraw from class by the official deadline dates published in the most recent Catalog, Schedule of Classes, and the website. Students who withdraw or drop classes during the first four weeks or 30% of the term, whichever is less, will receive no notation on their academic record. A student who withdraws after this period, but before the end of the fourteenth week of a course, or the expiration of 75% of a term, whichever occurs earlier, shall receive the withdrawal symbol "W" on his/her/their transcript, unless the District selects an earlier final withdrawal date. The "W" shall not be used in calculating grade point averages, but shall be used in determining probation and dismissal of a student. Students who withdraw after 30% of the term and before 75% of the term, whichever is less will receive a "W."

A student who remains in a course beyond the time allowed by district policy must receive a symbol or grade for that course on his or her academic record as authorized in section 55023 other than a "W."

The "W" shall not be used in calculating grade point averages, but shall be used in determining probation and dismissal pursuant to article 3 of this subchapter.

Pursuant to Title 5 Section 58004, instructors shall clear their rolls of inactive students not later than the end of the last business day before the census day for all students. Students who are dropped by instructors after 30% of the term will receive a "W."

"Inactive students" include:

- "No-shows" are defined as students who did not attend courses at any time.
- Students who have (a) initiated action to cancel enrollment in all courses or (b) have been dropped by authorized college personnel in accordance with Board policies.
- Students who are no longer participating in a course

Instructors may clear their rolls of any student who does not attend the first class meeting, including mandatory orientation sessions for distance education courses. Students not attending the first class meeting must notify the instructor in writing to request that their place be held in the class. Students who do not notify their instructors that they are not attending the first class meeting may lose their place in the class. Students who do not provide proof of meeting course pre-requisites at the first class meeting may also be removed from the roll. For online courses, a student may comply with these requirements electronically by accessing the course website or emailing the instructor during the first official week of the semester.

Military Withdrawal (Title 5 Section 55024(d))

Military withdrawal occurs when a student, ~~who is a member of~~ on active or reserve status in the United States military or National Guard services, receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol of "MW" ~~will~~ shall be assigned to all courses affected

by the military withdrawal and military withdrawals shall not be counted for the permitted number of course withdrawals nor in progress probation or dismissal calculations. ~~In no case would a military withdrawal result in a student being assigned an "FW" grade.~~ (Also see AP 5013 titled Students in the Military.)

Excused Withdrawal

An excused withdrawal ("EW") will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt, nor will it be counted in progress probation and dismissal calculations. An excused withdrawal occurs when a student withdraws from a course due to an extraordinary condition under Title 5 Section 58509. In no case shall an excused withdrawal result in a student being assigned an "FW" grade.

Withdrawals after 75% of the term or 14th week

Students may petition to withdraw from classes due to documented extenuating circumstances after the last day of the 14th week or 75% of the term (whichever is less) and, after consultation with appropriate faculty, shall be recorded as a "W." Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. All supporting documents must be attached to the petition at the time of submission to the Office of Enrollment Services.

A "W" symbol shall not be assigned, or if assigned shall be removed, from a student's academic record when a;

- Determination is made pursuant to Title 5 Sections 59300 et seq. that the student withdrew from the course due to discriminatory treatment or due to retaliation for alleging discriminatory treatment.
- Student withdrew from one or more classes, where such withdrawal was necessary due to fire, flood or other extraordinary conditions and the withdrawal is authorized by the district pursuant to section 58509.

Non-Repeatable Courses (Substandard Grades or the "W" Symbol)

Students are allowed a maximum of three enrollments in a non-repeatable course in which the final grade has resulted in either a substandard grade below a "C," "NP," or "NC" or the "W" symbol as outlined below:

1. A student who receives a substandard grade or the "W" symbol on the first attempt of a non-repeatable course taken at College of Marin, may enroll in that course one more time without a petition in an effort to successfully complete the course with a passing grade.
2. After receiving any combination of two substandard grades or the "W" symbol in the course, a student may submit a petition to the Office of Enrollment Services to enroll in the course for the third enrollment providing there is verifiable documentation that extenuating circumstances occurred. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student.
3. For the petition to be reviewed, the student is required to meet with a counselor to complete the petition.
4. All verifiable documents must be attached to the petition at the time of submission to the Office of Enrollment Services.

5. With an approved petition, the student must wait one week after the start of new and returning student registration begins to enroll in the course.

Annotating the permanent academic record shall be done in a manner that all work remains legible, ensuring a true and complete academic history.

Office of Primary Responsibility: ~~Office of~~ Enrollment Services

Approved: June 22, 2010

Reviewed/Revised: April 19, 2011; June 18, 2013; February 18, 2014; July 21, 2015

Revised:

Student Services

CCLC 42 updated this legally required policy to implement the California Ban on Scholarship Displacement Act of 2021 pursuant to changes in the Education Code. This is a 10+1 and also linked to ACCJC. Mici 5-25-2023

Approved. Jon H./Enrollment 9-14-2023

Approved. Academic Senate 9-21-2023

BP 5130 FINANCIAL AID**References:**

Education Code Sections [66021.6, 70045, et seq., 69500-69566](#) and 76300;

20 U.S. Code Sections 1070 et seq.;

34 Code of Federal Regulations Section 668;

U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;

ACCJC Accreditation Standard III.D.15

A program of financial aid to students will be provided, which may include, but is not limited to, scholarships, grants, loans, and work and employment programs.

All financial aid programs will adhere to guidelines, procedures, and standards issued by the funding agency, and will incorporate state, federal, and other applicable regulatory requirements.

The Superintendent/President shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs.

Misrepresentation

Consistent with the applicable federal regulations for federal financial aid, the District shall not engage in “substantial misrepresentation” of 1) the nature of its educational program, 2) the nature of its financial charges, or 3) the employability of its graduates.

The Superintendent/President shall establish procedures for regularly reviewing the District’s website and other informational materials for accuracy and completeness and for training District employees and vendors providing educational programs, marketing, advertising, recruiting, or admission services concerning the District’s educational programs, financial charges, and employment of graduates to assure compliance with this policy.

The Superintendent/President shall establish procedures wherein the District shall periodically monitor employees’ and vendors’ communications with prospective students and members of the public and take corrective action where needed.

This policy does not create a private cause of action against the District or any of its representatives or service providers. The District and its Governing Board do not waive any defenses or governmental immunities by enacting this policy.

Scholarship Displacement

The District shall not engage in scholarship displacement. The Superintendent/President shall establish procedures that provide that the District shall not reduce the institutional gift aid offer of a student who is eligible to receive a federal Pell Grant award or financial assistance under the California Dream Act for an academic year as a result of private scholarship awards designated for the student unless the student's gift aid exceeds the student's annual cost of attendance.

Date Adopted: May 17, 2011 (*Replaced College of Marin Policy 4.0031*)

Date Reviewed/Revised: February 26, 2013; May 17, 2022

Date Revised:

Student Services

CCLC 42 updated this procedure to implement the California Ban on Scholarship Displacement Act of 2021 pursuant to changes in the Education Code. This is a 10+1 and also accreditation linked.

Mici 6-13-2023

Approved. Jon H/Enrollment Services 9-14-2023

To Academic Senate 9-15-2023

AP 5130 FINANCIAL AID**References:**

Education Code Sections 66021.3, 66021.6, 66025.9, 69514, [70045 et seq.](#), 76300, [78042](#), and 94912.5;

Title 5 Sections 55031 and 58600 et seq.;

20 U.S. Code Sections 1070 et seq.;

34 Code of Federal Regulations Section 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended.)

[ACCLC Accreditation Standard III.D.15](#)

Information about the various financial aid programs offered to students including: application procedures, eligibility, disbursements, etc. can be found on the District website.

The Financial Aid Director will continually review processes and procedures and to ensure student access to appropriate financial services.

Student Services, Information Technology, and Fiscal Services are responsible for assisting in the disbursement of financial aid funds. The [Dean of Enrollment Management](#) ~~Chief Admissions and Records Officer~~ is responsible for maintaining the accuracy of the data to ensure the financial aid offices have the ability to meet all regulations.

Misrepresentation

Misrepresentation is defined as any false, erroneous, or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a student, prospective student, a member of the public, an accrediting agency, a state agency, or the United States Department of Education.

A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. If a person to whom the misrepresentation was made could reasonably be expected to rely, or has reasonably relied, on the misrepresentation, the misrepresentation would be substantial.

This procedure does not apply to statements by students through social media outlets or by vendors that are not providing covered services, as reflected herein.

Loss of Eligibility for California College Promise Grant (formerly known as a BOG Fee Waiver)

A student shall become ineligible for a California College Promise Grant if the student is placed on academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made.

The District shall notify students of their placement on academic or progress probation no later than thirty days following the end of the term that resulted in the student's placement on probation. The notification must clearly state that two consecutive primary terms of probation will lead to a loss of the California College Promise Grant until the student is no longer on probation. The notification must also advise students about the available student support services to assist them in maintaining eligibility.

The District shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing California College Promise Grant eligibility. Dissemination includes, but is not limited to, information provided in college catalogs and class schedules.

The District shall establish written procedures by which a student may appeal the loss of a California College Promise Grant due to extenuating circumstances, or when a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

Foster Youth shall not be subject to loss of California College Promise Grant due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code Section 66025.9 subdivision (c).

Students Enrolled in a Baccalaureate Degree Program

Students enrolled in a baccalaureate degree program who wish to apply for a California College Promise Grant (CCPG) waiver must submit either a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application in lieu of completing the Board of Governors Fee Waiver application.

Scholarship Displacement

The District shall not reduce the institutional gift aid offer of a student who is eligible to receive a federal Pell Grant award or financial assistance under the California Dream Act for an academic year as a result of private scholarship awards designated for the student unless the student's gift aid exceeds the student's annual cost of attendance. The District shall not consider receipt or anticipated receipt of private scholarships when considering a student who is eligible to receive a federal Pell Grant award or financial assistance under the California Dream Act for qualification for institutional gift aid.

Office of Primary Responsibility: Enrollment Services (Financial Aid Office)

Date Approved: April 19, 2011

Reviewed/Revised: April 17, 2012; April 19, 2022

Revised:

Human Resources

Due for review as part of the regular review cycle. The is no model CCLC for comparison. Minor edits as noted. This is a 10+1.

Mici 8-25-2023

Recommended SLS input about whether the procedure to determine relevancy. Nikki H/HR 8-31-2023
Recommendation to sunset/eliminate this AP, as it is obsolete and has not been used in over a decade.

Jonathan/SLS 8-31-2023

CBA provision about voluntary temporary transfer would allow for "instructional rotation" without this AP. Mia R/General Counsel 9-1-2023

Academic Senate **recommends eliminating the procedure.** 9-15-2023

AP 7217 INSTRUCTIONAL ROTATION

References:

None

~~Marin Community College is responsible for providing a variety of qualified instructors for all of its educational programs. Therefore, the District shall make it possible for permanent certificated employees to teach a variety of courses for which they are qualified, through instructional rotation. The objective of instructional rotation is to enhance instruction in all disciplines and to provide a variety of presentation, both for students and instructors.~~

Criteria for Instructional Rotation

- ~~1. Each department shall develop guidelines for the rotation of teaching assignments and submit them to the Academic Senate which will keep all rotation guidelines on file. Changes to a department's guidelines shall be submitted to the Academic Senate.~~
- ~~2. The Chief Instructional Officer shall make final decisions regarding course assignments while taking into account departmental rotation guidelines into account.~~

~~Office of Primary Responsibility: Office of Student Learning and Success~~

~~**Date Approved: May 18, 2010** (Replaceds College of Marin Procedure 5.0003-DP.1)~~

~~Date Reviewed/Revised:~~

Human Resources

Due for review as part of the regular review cycle. Model CCLC reviewed for comparison. Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

AP 7232 CLASSIFICATION REVIEW

References:

Education Code Sections 88001 and 88009

Every position in the classified service in the District shall be assigned a classification. These classifications will determine the salary levels that shall be applied to these positions.

Subject to applicable collective bargaining agreements for represented employees, class specifications ~~may shall~~ be reviewed regularly ~~periodically~~ to revise and update the duties and/or responsibilities of positions in the classified service.

Office of Primary Responsibility: Human Resources

Date Approved: January 18, 2011

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. Legally required and model CCLC reviewed for comparison. Mici 8-25-2023

To Mia R/General Counsel and Approved without changes. Nikki H/Human Resources 9-5-2023

AP 7234 OVERTIME**References:**

Education Code Sections 88027, 88028, 88029, and 88030

Overtime

Overtime is defined to include any time required to be worked in excess of seven and one-half hours in any one day and/or in excess of 37.5 hours in any calendar week, unless a different schedule has been approved or negotiated. Overtime is subject to applicable collective bargaining agreements for represented employees~~7.~~

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the employee.

Compensatory Time

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within 12 calendar months following the month in which the overtime was worked and without impairing the services rendered by the District.

An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his/her/their workweek, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

General Provisions

~~Management employees are exempt from overtime rules and thus cannot accrue overtime or compensatory time.~~

~~Persons serving in executive, management, supervisory, administrative or confidential administrative employees, or executive positions shall be excluded from these procedures regarding overtime.~~

Paid overtime must be directed by a supervisory or management employee. Funds for payment of overtime must come from within the unit's budget, unless other funds have been identified.

Submission of Overtime and/or Compensatory Time

- A. Upon determination of the necessity for paid overtime as approved by the supervisor, proper approvals will be obtained on the "Authorization for Overtime" Form.
- B. The employee will complete and submit a time card to the supervisor.

- C. Records of compensatory time accrual and use will be maintained by the appropriate supervisor, or manager.

Office of Primary Responsibility: Human Resources

Date Approved: January 18, 2011

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. There is no model CCLC reviewed for comparison.

Formatting updated and minor edits. Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

BP 7251 EDUCATIONAL ADMINISTRATOR RETREAT RIGHTS**References:**

Education Code Sections 87458 and 87477

- A. District policy and procedures governing the reassignment of educational administrators shall comply with all applicable provisions of the California Education Code, statutes and collective bargaining provisions.

Definitions:

- 1) **Administrator:** any person who is employed by the Board of Trustees in a supervisory or management position as defined by Government Code.
 - 2) **Educational Administrator:** an administrator who is employed in an academic position designated by the Board of Trustees as having direct responsibility for supervising the operation of, or formulating policy regarding the instructional or student services program of the District. Educational administrators include, but are not limited to, chief executive officers, and the other supervisory or management employees designated by the Board as educational administrators.
 - 3) **Classified Administrator:** an administrator who is not employed as an educational administrator. The employment of classified administrators is governed by applicable sections of the California Education Code relative to the Classified Service.
- B. Persons who are employed as educational administrators must hold the established minimum qualifications for a California Community College discipline, or the equivalent, as established by statute and implemented through Board policy and procedures for faculty members. Educational administrators shall have the appropriate Faculty Service Area(s) confirmed by the Academic Senate and approved by the Board, pursuant to California Education Code statutes and Board policy.
- C. A person who is employed as an educational administrator shall have the right to become a first-year Contract (probationary) faculty member should his/her/their administrative assignment expire or otherwise terminate, except when the employee 1) has previously acquired tenure as a faculty member in the District; 2) is employed in a categorically-funded project of indeterminate duration; or, 3) is employed under contract in a program or project to perform services conducted under contract with public or private agencies.
- D. The educational administrator must have served in the District for a minimum combined total of two years of satisfactory service as an administrator, faculty member, and/or an administrator

who, at the time of hire was certified by the Academic Senate as possessing qualifications in a specific program offered at College of Marin, equivalent in experience and preparation to what would be expected of a newly-hired faculty member.

- E. The District shall comply with the minimum qualifications that are established by the Board of Governors as requirements for the employment of individuals to hold educational administrative positions.
- F. Educational and classified administrators whose assignments are terminated for cause are not eligible for reassignment into other District academic or non-academic positions.
- G. The educational administrator shall be reassigned to faculty status in a discipline for which he/she/they meets minimum qualifications in an established Faculty Service Area. Academic Senate representatives will consult with department faculty and management staff to establish a department interview committee that will evaluate the background and qualifications of the employee and confirm the Faculty Service Area, pursuant to pre-determined criteria and ratings. The committee, after determining the expected performance criteria and ratings, shall conduct an evaluation of the administrator, employing all the evaluative instruments or techniques currently used by that department to evaluate applicants for tenure track positions, including an optional interview. The results of the departmental evaluation process, together with the degree and/or certificate qualifications shall form the basis of the department's recommendations of the Academic Senate, which shall forward its recommendation to the Superintendent/President.
- H. The Board shall review the recommendations of the Superintendent/President that will have been developed through consultation with Academic Senate and department representatives, and make a final determination regarding the employee reassignment to faculty status in the designated discipline(s). The Board shall provide the Academic Senate with an opportunity to present its views before making the determination. Written record of the Board determination, including the views of the Academic Senate, shall be available for review by the State Chancellor Minimum Qualifications Committee upon request, pursuant to Education Code Provisions.
- I. Educational administrators who were hired into and tenured in a District academic position prior to July 1, 1990, shall be required to hold the appropriate California Community College credential authorizing academic service in a discipline or meet minimum qualifications for a Faculty Service Area. Educational administrators hired prior to July 1, 1990, who do not meet State minimum qualifications for a Faculty Service Area shall be required to complete the District equivalency process as established by Board Policy
- J. Employees who are employed into educational administrative positions shall be provided with Board policy and procedural information regarding administrator retreat rights.

Date Adopted: December 13, 2011 (*Re-numbers and re-titles College of Marin Policy 5.0006.2*)

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. There is no model CCLC reviewed for comparison.

Formatting updated and minor edits. New paragraph at beginning of "The President..

Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

BP 7280 UNREPRESENTED EMPLOYEE COMPLAINTS

References:

No specific references

The Board recognizes the benefit of early resolution of employee complaints. Employees who are covered by collective bargaining agreements or individual employment agreements may seek resolution through their respective agreements. Other employees shall also have a means for resolving employment-related complaints.

The President/Superintendent shall establish a procedure for employees who are not covered by a collective bargaining agreement or individual employment agreement to seek a resolution of their complaints that are not already addressed through existing Board Policies and Administrative Procedures.

Date Adopted: December 11, 2012 (~~Replaced~~ College of Marin Policy 5.0018)

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. There is no model CCLC reviewed for comparison. Formatting updated and minor edits. The language through this disorganized procedure seems unduly unclear and confusing.

Mici 8-25-2023

Approved with minor edit. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

AP 7280 UNREPRESENTED EMPLOYEE COMPLAINTS**References:**

No specific references

For purposes of this procedure, "complaint" is defined as a misapplication or misinterpretation of a Board Policy and/or Administrative Procedure. This procedure does not apply to employee evaluations or disciplinary actions.

This procedure is not applicable when another existing District process exists to address the concern.

The Employee Complaint Process is available to employees not covered by collective bargaining agreements and shall include the following:

- Initial meeting with his/her/their supervisor to attempt to resolve the issue informally (see informal process below).
- If the issue ~~could~~ can not be resolved informally with his/her/their supervisor, the complainant may submit the matter to Human Resources.
- If the issue ~~could~~ can not be resolved by Human Resources or if the matter directly involves the Human Resources department, the complainant may submit the matter to the Superintendent/President or his/her/their designee.
- If the complaint is against the Superintendent/President, the issue could be submitted to the Board of Trustees.

Complainant – An unrepresented employee who meets the criteria listed above may use the AP 7280 complaint process.

Day - Any day that the District Administrative offices are open for business.

Procedureal Timing and Appeal of Decision

The time limit provided for in this procedure may be extended by mutual written agreement of the parties. Any decision not appealed within the limits from one level to the next level shall be considered settled on the basis of the last decision and not subject to further appeal.

Informal Process

Before filing a formal complaint, the complainant ~~will~~ must attempt to resolve it by an informal conference with the first supervisory/management team member in the chain of command within thirty (30) days after the employee's knowledge of the occurrence or through reasonable diligence he/she/they could

have known of the act or omission. Failure by a complainant to appeal the decision within twenty (20) days of the decision will be deemed an acceptance of the decision.

Formal Process

If the complainant is not satisfied with the decision at the informal conference, within ten (10) days the complainant ~~may~~ must present to the Human Resource Department in writing the following:

1. The Board Policy or Administrative Procedure allegedly misapplied,
2. The circumstances on which the complaint is based,
3. The person involved, and
4. The remedy sought.

Within ten (10) days the Human Resource Department shall communicate the determination to the employee in writing.

Either party to the complaint shall have the right to request a personal conference in order to resolve the problem.

Employees If the complainant is not satisfied by the determination made by the Human Resources Department then he/she/they may seek a final decision by the Superintendent/President.

Complaints Against the Superintendent/President by a Direct Report:

If the ~~employee~~complainant is not satisfied with the determination made by the Human Resource Department, he/she/they may appeal in writing to the Board of Trustees for final a decision.

Office of Primary Responsibility: Human Resources

Date Approved: March 19, 2013 (~~Replaced~~College of Marin Procedure 5.0018 DP.1)

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison.

Formatting updated and minor edits.

Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

BP 7335 HEALTH EXAMINATIONS

References:

Government Code Section 12940;

42 U.S Code Section 12112 subdivision (d);

29 Code of Federal Regulations, Part 1630;

~~Government Code Section 12940~~

The Superintendent/President shall establish administrative procedures related to medical examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations may only be required after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination solely on the basis of the candidate's age or disability.

The procedures may require any employee to undergo a physical or mental examination where such a fitness for duty exam is job related and consistent with business necessity. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen by the District.

Date Adopted: May 17, 2011 (*Replaces~~ed~~ College of Marin Policy 5.0014*)

Date Revised: May 17, 2016

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison.

There was a 2016 update. Formatting updated and minor edits.

Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

BP 7360 DISCIPLINE AND DISMISSAL – ACADEMIC EMPLOYEES**References:**

Education Code Sections 87666-~~87681~~ et seq. and ~~87732~~, and ~~87740~~

The District shall adhere to the applicable collective bargaining agreement and related Education Code sections pertaining to discipline and dismissal of academic employees.

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code Section 87732. If the employee is to be penalized, the Board shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board has received all statements of evaluation which considers the events for which dismissal or penalties may be imposed;
- The Board has received a recommendation from the Superintendent/President.
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Superintendent/President or designee shall thereafter assure that the employee is afforded the full post-termination due process required by Education Code Sections 87666-87681.

The Superintendent/President shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

Date Adopted: December 11, 2012 *(Replaces College of Marin Policy 5.0017)*

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison.

No Changes beyond formatting.

Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

BP 7370 USE OF DISTRICT RESOURCES FOR POLITICAL ACTIVITY

References:

Education Code Sections 7054 and 7056;

Government Code Section 8314

Employees shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Board of Trustees. This policy prohibits political activity during an employee's working hours but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.

Also see BP 2716 ~~titled~~ Political Activity

Date Adopted: August 23, 2011

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison.

Language tracks CCLC model. No Changes beyond formatting.

Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

AP 7370 USE OF DISTRICT RESOURCES FOR POLITICAL ACTIVITY

References:

Education Code Sections 7050 et seq.

No restriction shall be placed on the political activities of any employee of the District except as provided in Board Policy and these procedures.

No District funds, services, supplies, or equipment may be used to urge the support or defeat of any ballot measure or candidate, including but not limited to any candidate for election to the Board of Trustees.

District resources may be used to provide information to the public about the possible effects of a bond issue or other ballot measure if both the following conditions are met:

- The informational activities are otherwise authorized by the Constitution or laws of the State of California; and
- The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

Any administrator or Board member may appear before a citizens' group that requests the appearance to discuss the reasons why the Board of Trustees called an election to submit to the voters a proposition for the issuance of bonds and to respond to inquiries from the citizens' group.

An officer or employee of the District may solicit or receive political funds or contributions to promote the support or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the District. Such activities are prohibited during working hours and entry into buildings and grounds of the District during working hours is prohibited. Such activities are permitted during nonworking time. "Nonworking time" means time outside an employees' working hours, whether before or after the work day or during the employees' lunch period or other breaks during the day.

Office of Primary Responsibility: Human Resources

Date Approved: July 19, 2011

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison.

No substantive changes. Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

AP 7371 PERSONAL USE OF PUBLIC RESOURCES

References:

Government Code Section 8314;

Penal Code Section 424

No employee or consultant shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Office of Primary Responsibility: Human Resources

Date Approved: July 19, 2011

Date Reviewed/Revised:

Human Resources

Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison.

No Changes beyond formatting. Mici 8-25-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

AP 7381 HEALTH AND WELFARE BENEFITS

Reference:

Government Code Section 53200

The District provides employee health and welfare benefits. The benefits for those employees who are covered by labor agreements are negotiated as part of those agreements.

The Superintendent/President shall recommend to the Board appropriate benefits for unrepresented employees. The Board reserves the right to waive any requirements set forth in such a recommended program for unrepresented employees. The amount provided for health and welfare benefits is set by the Board for employee groups not represented by a bargaining unit.

Office of Primary Responsibility: Human Resources

Date Approved: June 19, 2012 (*Replaced former College of Marin Policy 5.0019*)

Date Reviewed/Revised:

Changes initiated by Administrative Services in response to the Governor signing SB 447 that repeals the travel ban. Greg/Eresa 9-29-2023

AP 7400 TRAVEL**Reference:**

Education Code Section 87032;
Government Code Section 11139.8;
2 Code of Federal Regulations Part 200.474

The District may reimburse, to the extent possible within necessary financial constraints, expenses incurred in travel, conferences, and meetings (e.g. professional associations, educational organizations, and associations). Employees are expected to travel in the most economically prudent manner possible. Prior to travel, employees must obtain approval for travel to conferences, training, and similar activities by submitting a written request to their appropriate manager or designee(s). Managers may or may not approve an employee's travel request as it fits within their respective budgets.

~~The District requires that all District employees must adhere to the Out of State Travel Ban (AB 1887) policy, and must ensure compliance with the terms of the Out of State Travel Ban prior to submitting a travel request. The District recognizes the exceptions to the Out of State Travel Ban under AB 1887. In addition, the Assistant Superintendent/Vice President of Student Learning and Success may authorize an exception for travel with students when the learning outcomes in a course outline of record reasonably cannot be met without travel to a state on the Out of State Travel Ban list.~~

District employees performing District services, regardless of funding sources, will be reimbursed, as provided by Education Code Section 87032 for authorized actual and necessary expenses incurred. Travel allowances will be limited to Education Code requirements, contractual agreements, necessity of travel, and this administrative procedure.

1. The Headquarters for claiming travel allowances is the location assigned by the immediate supervisor.

The assigned headquarters is the location to and from which mileage reimbursement is authorized. For employees who spend more than fifty percent of their assigned days at one location, that location will be designated the headquarters location. For employees with less than fifty percent of their assigned days in one location, a centralized location in the most predominantly traveled area will be designated the headquarters location.

2. Automobile Travel

In cases where authorized travel is by District-owned automobile, actual and necessary travel expense will not include mileage expense. Travel reimbursement will be made for travel to/from the job location and headquarters when an employee uses his/her their own vehicle for official District business in the performance of regularly assigned duties.

If an employee is directed to begin or end their work day at a work site that is not the headquarters, reimbursement would only be authorized for the additional increment beyond the normal commute to headquarters.

When work requires more than one trip to the work location or headquarters on a normal work day, travel expenses will be paid for all additional travel.

The District's insurance does not provide primary coverage for the owner of privately-owned vehicle for claims or losses while he/she/they is operating his/her/their own vehicle on District business. For travel associated with field trips, see BP/AP 4300 Field Trips and Excursions.

All operators of vehicles must have a valid California driver's license appropriate for the use of the vehicle used on District business. In order to collect private auto mileage reimbursement, proof of current insurance coverage must be on file with the District.

Ferry, bridge, or toll charges may be claimed in addition to mileage allowances.

Mileage shall be reimbursed at the established Internal Revenue Service (IRS) standard mileage reimbursement rate (<https://www.irs.gov/newsroom/irs-issues-standard-mileage-rates-for-2023-business-use-increases-3-cents-per-mile>). Mileage documentation such as Google Maps or similar interactive map will be required as part of the travel claim submission to substantiate reimbursement. Failure to provide all information will result in delay of payment.

3. Automobile Rental

The use of rental vehicles is limited to situations where District vehicles or commercial transportation either are not available, or their use impractical as determined by the Superintendent/President or designee(s). The use of the most economical vehicle will be required, if available and otherwise appropriate. Employees are encouraged to carpool in rented vehicles when possible. Rental car expenses must be supported by receipts. The District insurance does not cover physical loss of, or damage to, rental vehicles. Rental agencies normally provide full coverage insurance for a nominal fee and may be purchased and included in the expense reimbursement.

4. Public Carrier Travel

The expense of traveling by public carrier (rail, bus, airplane, etc.) will be allowed on the basis of actual cost. All travelers will be expected to use the most economical mode of transportation where practical and in the best interest of the District. If the requestor uses a more expensive mode of transportation, the District will only reimburse at the most economical travel rate. Direct expense and the employee's time will be considered in the choice of method of transportation.

5. Lodging

Reasonable and necessary lodging will be reimbursed as supported by receipts. All lodging must be in the geographical area of the conference or meeting and must be approved in writing in advance by the Superintendent/President or designee(s). When a traveler shares lodging with a non-District traveler (spouse/partner, members of a family, friends, etc.), a reimbursement to the traveler is limited to the rates for the District traveler only. Except in extenuating circumstances, lodging will not be paid when the conference or meeting is within commuting distance (fifty-mile radius of the District offices). The District traveler should always request the government/conference/most economical rate and request that the Transient Occupancy Tax be waived at the time of the reservation and/or check-in. Overnight lodging for employees living within the geographical area of the conference or meeting, shall be approved on a case-by-case basis. Exceptions may be approved, in writing, by the Superintendent/President or designee.

6. Conference Fees

Reasonable and necessary registration fees will be reimbursed for pre-approved attendance and as supported by receipts. Participant must be authorized to represent the District and conference/meeting must be in the best interest of the District.

7. Meals

The actual and necessary cost of meals during the travel event, plus reasonable and customary gratuities, will be paid upon submission of original, itemized receipts. If meals are included in the cost of a conference, workshop, or other travel event, charges for additional meals that substitute for the included meals will not be reimbursed. The event program agenda will be required as part of the travel claim submission. When meals are charged to an employee's hotel room, the original itemized receipt for the meal must be provided – a line-item charge on the hotel bill will not be sufficient. Credit card receipts which do not itemize the contents of meals purchased will not be reimbursed.

Meals will not be reimbursed for travel that begins and ends on the same day unless travel is greater than 60 miles. Exceptions may be considered on a case-by-case basis by the unit budget manager.

Meals are reimbursable under the following conditions: a. Breakfast is allowable if travel begins two hours or more before the start of the regular workday. Lunch is allowable if travel begins before 11:00 AND ends after 2:00 P.M. Dinner is allowable if travel ends two or more hours after the end of the regular workday. b. When travel occurs on weekends or holidays, or when the traveling employee normally works flexible or otherwise non-standard hours (e.g. the employee normally works a "four-ten" schedule or a 7 A.M. to 4 P.M. workday) the regular workday will be deemed to be from 8 A.M. to 5 P.M., for purposes of computing meals reimbursements.

The maximum allowance for meals shall be \$1~~0~~5 for breakfast, \$4~~2~~5 for lunch, and \$2~~3~~5 for dinner ~~OR a maximum of \$50 per day for all meals~~ (including reasonable/customary gratuities and applicable local tax) Any expenses in excess, by meal, will not be reimbursed by the District.

8. Miscellaneous Expenses

Certain miscellaneous expenses related to official District business will be allowed if identified, such as transportation, parking fees, internet access, taxi service, reasonable/customary gratuities, and telephone calls. Receipts will be obtained when reasonably possible. Expenses must be individually itemized in order to be eligible for reimbursement.

9. Non-Reimbursable Items

The District will not provide reimbursement for parking or traffic violations, personal services, valet and laundry services, auto repairs when using personal automobile, entertainment, trip insurance, or any expenses considered to be excessive.

The traveler will not be reimbursed for non-District travelers (spouse/partner, members of a family, friends, other conference participants, etc.). The District will not allow reimbursement for alcoholic beverages (nor taxes and tips related to alcohol purchases), tobacco-related products, movies (at a theater or in room), laundry, non-District travelers' meals, car washes, fuel for the employee's personal vehicle, additional hotel rooms or costs of any kind for non-District travelers who accompany employee, or any other expenses determined by the District to be unreasonable,

excessive, non-business related, or a misuse of public funds.

10. Emergency Contact Information While Traveling

It will be the responsibility of the District traveler to inform his/her/their immediate supervisor of his/her/their contact information while traveling. This is necessary so that the employee can be contacted in case of emergency.

11. Approval Authorization - Conference Leaves

a. United Professors of Marin (UPM) Collective Bargaining Members

Requests for conference leave shall be made in accordance with the collective bargaining agreement. Travel reimbursements shall be in accordance with District procedures.

b. All Other Employees

Request for conference leave shall be made to and approved by the employee's supervisor/manager ~~on the specified forms~~. Travel reimbursements shall be in accordance with District procedures.

The Superintendent/President has the final authority to approve travel requests.

12. Approval Authorization – Out-of-State

Out-of-state travel for all District employees shall be approved in advance by the Superintendent/President.

All travel outside the United States must be approved in advance by the Board of Trustees.

13. Procedure for Claiming Expense Reimbursement

Reimbursement of expenses for authorized travel shall be submitted on the Claim for Reimbursement Form as follows:

a. Claims shall be submitted within ~~60~~ 90 calendar days following completion of travel.

~~b. The only exception to item (a) above is at fiscal year end, the claim form must be turned in not later than July 6. The District reserves the right to deny reimbursement after 90 days from the date of the expense.~~

c. Travel expense claims will be signed by the traveler and approved by the appropriate person (see section on Approval Authorization).

d. Each claim will be itemized by date, nature of expense, and the amount for which reimbursement is claimed. Claims will be for "actual and necessary" expenses and supported by receipts when applicable.

The Superintendent/President reserves the right to make exceptions to the above regulations.

14. Travel Advance

Travel advances are entirely discretionary and, in most instances, will only be authorized to cover meals and incidental costs for approved travel. All travel advances must be approved in writing by the Superintendent/President or designee(s). Advances will be adjusted upon the filing of a Claim for Reimbursement Form of actual and necessary expenses incurred in accordance with this procedure. Advances will not be paid more than 30 calendar days prior to travel. Employees who receive a cash travel advance, and then are unable to attend the travel event, must reimburse the entire travel advance to the District within ten calendar days of the original dates of travel. Failure to do so may result in a payroll deduction of the entire amount of the advance from the next

occurring pay period. Abuse of travel advance privileges may result in denial of future travel advance requests and shall be considered a misappropriation of funds by the employee. No such advance shall be considered for any purpose as a loan to such employee.

Also see BP 2725 Board Member Travel

Office of Primary Responsibility: Administrative Services, Fiscal Services

Date Approved: June 19, 2012 (*Replaced College of Marin Procedure 6.0009 DP.1*)

Date Reviewed/Revised: March 12, 2020; May 16, 2023

Date Revised:

Human Resources

Reviewed as part of the regular review cycle. This legally advised procedure was compared to CCLC model policy, with updates as noted. Mici 8-29-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

AP 7500 VOLUNTEERS**Reference:**

Education Code Sections 72401, 87010, 87011, and 88249;
Government Code Section 3119.5

Scope

Each volunteer is subject to the screening process set forth in this procedure, with the following exceptions:

- volunteers serving in single day college events.
- individuals serving as volunteers in Associated Student Organization officer positions at the college. ASO officers are not entitled to defense and indemnity by the District.

The supervising manager may authorize suspension of the screening process when he/she/they believes that this process is not necessary for the volunteers serving in the particular event.

General

The District may enter into agreements with outside organizations to provide volunteers to the District to work at college locations. Such agreements will contain appropriate defense and indemnification language to protect the District from liability in connection with the volunteer services.

Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.

Pursuant to Government Code Section 3119.5, no person aged 60 years or older may be excluded from volunteer service if the person is physically, mentally, and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she/they can demonstrate reasonable proficiency or relevant certification and performs his/her/their professional duties in accordance with laws, regulations, or the technical standards that govern his/her/their area of volunteer responsibility.

Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead.

Screening

The District may use a written application form that requires, at a minimum, the volunteer's name, address, phone number, and history of convictions.

A volunteer's service record shall be maintained by the District.

Subject to the limitations of this policy, employees assigned to other positions within the District may serve as volunteers during off-hours.

Fingerprints of each volunteer may be required. Volunteers with on-going assignments and volunteers who interact with minors shall be required to provide a complete set of fingerprints for the purpose of running a criminal background check.

No person may serve as a volunteer in the District if:

- He/she/they has been convicted of or if he/she/they has charges pending which pertains to any sex offense (as defined in Education Code Section 87010) or controlled substance offense (as defined in Education Code Section 87011).
- He/she/they has been convicted of a crime and the Chief Human Resources Officer determines that: the nature of the crime is too serious to serve as a volunteer; the crime was too recent; and/or the crime is inconsistent with obligations in performing assigned duties as a volunteer.
- He/she/they has a health condition that would preclude him/her/them from satisfactorily performing essential duties of the position.
- He/she/they makes a false statement or omits a statement as to any material fact on the application form.

Incidental Expenses

Persons serving without pay as volunteers may receive reimbursement for incidental expenses.

Benefits

Volunteers are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. With the exception of worker's compensation (Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to District employees. Volunteers shall not be entitled to defense and indemnity from the District.

Office of Primary Responsibility: Human Resources

Date Approved: June 19, 2012

Date Reviewed/Revised:

Human Resources

Reviewed as part of the regular review cycle. This legally advised policy was compared to CCLC model policy, with updates as noted. Mici 8-29-2023

Approved without changes. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

BP 7700 WHISTLEBLOWER PROTECTION**References:**

Education Code Sections 87160-87164;

Government Code Section 53296;

Labor Code Sections 1102.5; ~~and 2698 (Private Attorney General Act of 2004)~~

Private Attorney General Act of 2004 (Labor Code Section 2698);

Affordable Care Act (29U.S.C.218C)

The Superintendent/President shall establish procedures regarding the reporting and investigation of suspected unlawful activities by District employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or board policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, District employees shall not: (1) retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or (2) retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or 3) directly or indirectly use or attempt to use the official authority or influence of ~~his or her~~ his/her/their position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District.

The District will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

Also See: AP 7700 Whistleblower Protection

Date Adopted: February 21, 2012

Date Revised: May 17, 2016

Date Reviewed/Revised:

