

## College Council: Policy and Procedure Review

9-15-2022

[BP 1100 Marin Community College District](#) - Due for review as part of the regular review process.

[BP 2310 Regular Meetings of the Board](#) - **CCLC 40** updated this **legally required** policy to align to the recent changes in the Brown Act regarding teleconferenced meetings. Minor formatting issues fixed.

[BP 2800 Naming of Buildings and Facilities](#) - Due for review as part of the regular review process. Compared to CCLC model procedure AP 6620 sample policy under different numbering.

[AP 2800 Naming of Buildings and Facilities](#) - Due for review as part of the regular review cycle and in conjunction with BP 2800. No CCLC updates.

[AP 3280 Grants](#) - Recommended updates and revisions from Vice President Jonathan Eldridge/Student Learning and Success.

[AP 3300 Public Records](#) - **CCLC 39** added **legally recommended** language and citations to Penal Code Sections 832.7 and 832.8 for districts with police departments, regarding the disclosure of certain peace officer or custodial officer personnel records under the California Public Records Act. For districts with police departments, the penal code reference is recommended.

[AP 3430 Prohibition of Harassment](#) – Revision recommended by counsel regarding reference to “gender” broadened to include “sex” so the procedure is not too restrictive.

[BP 3510 Workplace Violence Plan](#) - Due for review as part of the regular review cycle. Compared to CCLC model policy last updated October 2015. This policy is legally required.

[AP 3510 Workplace Violence Plan](#) - Due for review as regular review cycle and was compared to the CCLC model, with most recent update October 2015. This procedure is **legally required**.

[AP 4010 Academic Calendar](#) - **CCLC 39** updated this procedure to add *optional* language regarding designating Juneteenth as a district holiday. Other CBA holidays added. The Service also clarified optional language in this procedure.

[AP 4235 Credit for Prior Learning](#) - **CCLC 39** **legally advised for districts that allow credit for prior learning**. Procedure updated 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 by such examinations. (Title 5 Section 55052.5). Minor formatting clean-up.

[AP 5015 Residence Determination](#) - **CCLC 39** updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315). Minor change bottom of page 3.

[AP 5040 Student Records and Directory Information](#) - **CCLC 39** adds a legal citation to reflect an amendment to Title 10 of the U.S. Code regarding the disclosure of student information to the military for recruitment purposes. CCLC 40 updates were approved in May 2022.

[BP 6340 Bids and Contracts](#) - **CCLC 38 & 39 Updates – legally required.** The Service updated this policy to add legal citations and language regarding amendments to Title 5 concerning a district's ability to obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program. (Title 5 Sections 59130 et seq.) and also added optional language to highlight diversity, equity, and inclusion issues.

[AP 6340 Bids and Contracts](#) - **CCLC 38** legal references updated and legally required language to reflect new legal requirements that bid documents and construction documents specify that a project is subject to the skilled and trained workforce requirement and to add optional language to highlight diversity, equity and inclusion. **CCLC 39** legal references updated this procedure to add legal citations and language regarding amendments to Title 5 concerning a district's ability to obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program. The Service also removed a broken link.

[BP 6560 Environmental Responsibility](#) - No CCLC updates. Reviewed as part of the regular review cycle. Corresponding AP was updated March 2021. Formatting updated (font change).

[AP 7600 District Police](#) - **CCLC 38 updates** this procedure to add optional language to highlight diversity, equity, and inclusion issues. Review with BP 7600 (updated June 2022) due as part of cycle of review.

[AP 7700 Whistleblower Protection](#) - **CCLC 38** updated this procedure to remove contact information for the State Personnel Board. Compared to CCLC Model procedure and updated legal citations.

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 2340 Agendas  
BP 3410 Nondiscrimination  
AP 3420 Equal Employment Opportunity  
AP 3725 Information and Communications Technology and Accessibility Acceptable Use  
AP 4026 Philosophy and Criteria for International Education  
AP 4104 Contract Education  
AP 4230 Grading and Academic Record Symbols  
BP 4235 Credit for Prior Learning  
AP 5013 Students in the Military  
AP 5210 Communicable Diseases  
AP 5530 Student Grievances  
BP/AP 5700 Intercollegiate Athletics

#### ***Academic Senate – Under Review***

BP/AP 3260 Participation in Local Decision-Making  
*AP 3280 Grants*  
BP 4020 Program and Curriculum Development  
*AP 4235 Credit for Prior Learning*

BP 5055 Enrollment Priorities  
BP 7160 Professional Development

The District

Due for review as part of the regular review process. Mici 8-22-2022

**BP 1100      MARIN COMMUNITY COLLEGE DISTRICT**

**References:** Education Code, Section 72000(b);

The District has been named the Marin Community College District.

The name is the property of the District. No person shall, without the permission of the Board, use this name or the name(s) of any college(s) or other facilities of the District, or any abbreviation of them, to imply, indicate or otherwise suggest that an organization, product or service is connected or affiliated with, or is endorsed, favored, supported, or opposed by, the District.

The official name of the District shall be used in all instances where the statutory name of the District is legally required, e.g., contracts and other legal documents and notices.

The District shall maintain a single college named College of Marin of which there are two campuses, known as the Kentfield Campus and the Indian Valley Campus.

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Date Adopted: December 9, 2008 *(Replaced College of Marin Policies 1.1010, 1.1011, and 7.0004)*

Date Reviewed: May 17, 2016; July 19, 2016

**Date Review/Revised:**

## Board of Trustees

CCLC 40 updated this **legally required** policy to align to the recent changes in the Brown Act regarding teleconferenced meetings. Minor formatting issues fixed. Mici 9-1-2022

Approved without changes. Mia/ General Counsel 9-7-2022

**BP 2310          REGULAR MEETINGS OF THE BOARD****References:**

Education Code Section 72000 (d);  
Government Code Sections ~~54950~~, 54952.2, 54953 et seq., and 54961;  
Robert's Rules of Order

Regular meetings of the Board shall be held at least monthly on ~~a day~~ either the second or third Tuesday, at a time, and a place to be determined at the Organizational Meeting. A regular meeting may, however, be set for another date and time by action of the Board at any previous meeting.

A notice identifying the location, date, and time of each regular meeting of the Board of Trustees shall be posted at least ten (10) days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board of Trustees shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District, or is meeting during a proclaimed state of emergency.

All regular and special Board meetings shall be open to the public, except as provided by law. Public votes and public records shall be open to the public for inspection and duplication.

All regular meetings of the Board of Trustees shall be open to the public, be accessible to persons with disabilities, and comply with Brown Act provisions, except as required or permitted by law.

**Meetings During Proclaimed States of Emergency**

Prior to January 1, 2024, the Board may hold a regular meeting, or special or emergency meetings as defined in *BP 2320 Special and Emergency Meetings*, virtually through voice or video teleconferencing services during a proclaimed state of emergency under the provisions of the Brown Act.

In order for the Board to meet virtually during a proclaimed state of emergency, the Board will make findings by majority vote, as required by the Brown Act or by way of a Board resolution.

If the Board elects to meet virtually during a proclaimed state of emergency, the District will comply with relevant provisions of the Brown Act regarding the posting of agendas, public access to meetings through call-in or internet-based service options, public participation, and limits on Board action in the event of a meeting disruption due to interruption of teleconferencing services.

During proclaimed states of emergency, the Board is not required to provide a physical location from which members of the public may attend or provide public comment.

Also see BP 2340 Agendas

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Date Adopted: April 21, 2009 (*Replaced College of Marin Policies 1.5020, 1.5050, 1.5080, and 1.6030*) Revised: March 16, 2010; July 18, 2017; January 18, 2022

**Reviewed/Revised:**

## Board of Trustees

Due for review. Compared to CCLC model procedure AP 6620 sample policy. Mici 8-24-2022

Approved without changes. Mia/General Counsel. 8-31-2022

**BP 2800 NAMING OF BUILDINGS AND FACILITIES****References:**

No legal references

This policy is intended to establish and manage the process to ensure consistency, uniformity, fitting recognition, and good value in exchange for the honor or privilege of the name association with the District. Naming opportunities shall support the strategic goals of the District by focusing fiscal resources on its institutional values and priorities, and shall serve the District's mission. Specific selection of names should be consistent with the District's role as a public trust.

The Board of Trustees shall have the final responsibility for the naming, changing names, or removing names of buildings, facilities and grounds within the District. All recommendations for naming, removing of names from, and renaming buildings, facilities, or grounds shall be submitted to the Board of Trustees by the Superintendent/President, for action following an appropriate nomination and review process. No commitment for naming shall be made to a donor or honoree prior to Board approval of the proposed naming opportunity in the form of a Board resolution.

Naming opportunities provide the District with occasion to recognize exceptional contributions to the campus and community. Such contributions enrich and strengthen the District and its sense of heritage and are significant events in the history of the institution. Therefore, it is the policy of the Board to approve names for District buildings, facilities and grounds that recognize a significant contribution(s) to the District.

All recommendations shall comply with the following criteria: Naming may be made for an individual, family, organization, non-profit foundation or corporation. No building, facility or grounds shall be named for a religious or political organization, cult, service organization or a special interest group of any type.

**General Rationale**

Naming a facility for an individual, organization, or corporation is one of the highest honors that the District can bestow. This recognition is a lasting and powerful affirmation of the honoree's connection to the District's mission. As such, honorees shall have exemplary character, an unqualified reputation for honesty, personal integrity and the highest standards of personal and professional ethics.

Each proposal for naming shall be considered on its own merits. In all cases, due diligence must be performed and observed to ensure that proposed names are suitable to the District. The Superintendent/President shall convene an ad hoc committee composed of appropriate representatives of the Board of Trustees, faculty, and administrative staff to review the proposed name before the Superintendent/President submits the proposal to the full Board of Trustees.

The naming of District buildings, facilities, or grounds neither implies nor constitutes legal ownership by the individual or group for whom it has been named. The naming of a District building, facility, or

ground also does not imply any obligation to the named individual or group beyond the maintenance of the commemorative identification of the facility.

### **Naming Criteria**

The Board of Trustees shall consider any of the following conditions as appropriate reason for the naming of a building, facility or grounds:

1. To designate the function of or discipline to be served by a building or facility, or the mission or purpose of a program, if applicable and permitted;
2. In honor of an individual, family, organization, non-profit foundation or corporation which has made a major, significant financial contribution to the District;
3. In recognition of an individual who has made a significant contribution of service to the District;
4. To reflect natural or local area geographic features.

In special circumstances, the Board of Trustees may waive any or all of the above criteria.

### **Acceptable Forms of Donations**

In recognition and appreciation of an individual, family, organization, non-profit foundation or corporation for significant financial or service contributions, the District may name buildings, facilities, or grounds in honor of significant contributors of funds or service to the District according to the following guidelines:

1. Acceptable forms of gifts to result in a naming include: cash, appreciated securities, real property, and under special circumstances, life income gifts (charitable remainder trusts), gifts through estate planning, and gift-in-kind. Naming opportunities shall be available for a deferred gift if the gift is irrevocable and the District is provided with a copy of the duly signed and executed estate planning document designating the gift as irrevocable. In most cases, gifts may be made through legally binding pledges fulfilled within no more than five years.
2. In instances when private funds are needed to pay for immediate remodeling, renovation and/or construction, donations made through irrevocable deferred gift techniques shall not be accepted. A naming opportunity may, however, be accepted for an existing, unnamed facility not requiring major remodeling or renovation as long as the irrevocable deferred gift technique has been analyzed and approved by an actuarial study and depreciated over the life expectancy of the donor.
3. The Board shall take into consideration the significance and amount of the proposed gift or gifts or service as either or all relate to the realization, completion or enhancement of a facility or property.

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Date Adopted: April 20, 2010 (*Replaced College of Marin Policy 8.0003*)

Reviewed/Revised: November 14, 2017

**Reviewed/Revised:**



**Board of Trustees**

Due for review as part of the regular review cycle and in conjunction with BP 2800. No CCLC updates. Mici 8-30-2022

Minor changes. Mia/General Counsel. 8-31-2022

**AP 2800 NAMING BUILDINGS AND FACILITIES****References:**

No references

This administrative procedure provides guidelines, criteria, and the process for naming, removing of names from, and renaming of buildings, facilities, or , removing of names from, and renaming buildings, facilities, or grounds of the District ~~facilities~~. The Superintendent/President shall provide recommendations to the Board of Trustees, which retains final authority for the naming of any building, facility, or grounds of the District.

Consistent with BP 2800 ~~titled~~ Naming of Buildings and Facilities, this administrative procedure also sets forth the criteria and process for removing a name and facility demolition or replacement. All recommendations shall comply with the procedures and following criteria in this Administrative Procedure and Board Policy 2800.

**Definition of "Facility"**

As used in this procedure, "facility" includes any building or other structure, pathway, road or sidewalk; indoor or outdoor areas such as classrooms, labs, theaters, lobbies or other gathering areas; athletic fields or other grounds or property owned by the District.

**Process to Name a Facility**

**College or Site Recommendation:** The process may be initiated by the Superintendent/President or the Board of Trustees.

All requests shall include the following:

- The rationale for requesting the naming of a facility, including evidence of a broad base of support for such action.
- A biography of the person for whom the facility is to be named.
- A description of the business or organization, if the recommendation is to name a facility for a business or organization, including the names of members of the board of directors and senior management.
- Recommendation from the Superintendent/President or referral from the Board of Trustees.

**Superintendent/President Initial Review**

The Superintendent/President reviews all proposals for information and consistency with existing Board Policies and Administrative Procedures. Any new names proposed for facilities shall go through the District governance system.

**Superintendent/President Action**

The Superintendent/President prepares an agenda item for Board of Trustees action.

**Board of Trustees Action**

The Board of Trustees approves, rejects, or delays action on the proposal.

**Superintendent/President Action**

After a facility name is approved by the Board, the Superintendent/President authorizes staff to proceed with necessary administrative steps.

This process shall also apply to proposals to remove a name from a facility, and to address naming considerations when a facility is demolished or replaced.

**Naming a Facility for an Individual for “Service to the District”**

There should be an appropriate relationship between the use of the facility or its function and the person for whom it is named.

A facility may be named:

- In honor of an individual, family, organization, non-profit foundation or corporation which has made a major, significant financial contribution to the District;
- In recognition of an individual who has made a significant contribution of service to the District;

If the request is to honor a living person, that person will not be considered for this honor until at least three years following his/her separation from the District. Separation is defined as leaving service or employment. This criterion does not apply to alumni or other friends of the District.

If the request is to honor a deceased person, that request will be submitted only after a suitable period of mourning. No request will be considered within a year of the death.

**Naming of a Facility in Recognition of a Significant Financial Gift to the District**

Facilities may be named for a benefactor or an individual nominated by a benefactor.

The benefactor must have given a minimum of 25 percent of the “private” cost (non-state funds portion or local bond measure) of the construction of a new facility for a naming request to be considered by the District. For an existing building, the benefactor must have given a minimum of 15 percent of the estimated current cost to build the facility for a naming request to be considered by the District.

Benefactors must have given a minimum of 25 percent of the cost of a sub-unit of a building or other facility such as classrooms, lecture halls, lobby areas, or meeting rooms for a naming request to be considered by the District.

Benefactors must have given 100 percent of the cost of walkways, benches, or gardens for a naming request to be considered by the District.

Facilities will not be considered for naming requests in return for deferred gifts and will not be considered for naming requests for persons making gifts of property (real or personal), until such time as the gift is converted to liquid assets or is otherwise utilized by the District.

If the request is to honor a deceased person, that request will be submitted only after a suitable period of mourning. No request will be considered within a year of the death.

**Removing a Name from a Facility**

If any building or facility is destroyed or razed, or must be substantially remodeled or rebuilt for any reason the District may, in its sole discretion, change or remove a name from a building or facility.

The District may, in its sole discretion, change a name, or remove a name from a donor-named building or facility. In that situation, the District will acknowledge the donor's contribution with a plaque in a prominent location in a replacement building, facility or elsewhere on the District's campus.

The District has the absolute right and authority to remove a name from a donor-named building or facility and rename the building or facility as it sees fit, if the donor fails to make the promised donation or gift for any reason. The District also has the absolute right and authority to remove a name from a donor named building or facility, and rename the building or facility as it sees fit, if the District determines, in its sole discretion, that the District's continued association with the name, the donor, or the donor's family or business will damage the District's reputation.

**Signage**

Named buildings or facilities should bear the name of the person and the building or facility name in a typeface and style consistent with District signage requirements.

Buildings or facilities may also bear a bronze plaque permanently affixed to the outside of the wall nearest to the main entrance of the building. If applicable, the plaque should list the name of the person for whom the building or facility is named and, if the building or facility is newly constructed, the architect, Board of Trustee members, Superintendent/President, and date the building or facility was dedicated. Relevant information about the donor shall be prominently displayed.

Classrooms, labs, theaters, and indoor or outdoor gathering areas to be named should be identified with a bronze plaque mounted on the wall directly outside the main entrance or with other appropriate acknowledgement consistent with District signage requirements.

The District shall seek private funding for signage.

Office of Primary Responsibility: Superintendent/President

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Date Approved: August 24, 2010; *(Replaces current College of Marin Procedure 8.0003 DP.1)*

Reviewed/Revised: October 17, 2017

**Reviewed/Revised:**

## General Institution

Recommended revisions from Jonathan/Student Learning and Success. May 2022

Slight formatting edits. Mici 8-30-2022

## AP 3280 GRANTS

**Reference:**

Education Code Section 70902

Employees or programs seeking external grant funding shall prepare and submit an executive summary of their proposal to the Superintendent/President for approval prior to submitting the full grant proposal to the funding agency.

The executive summary shall include:

- the opportunity, problem, or need that the grant proposes to address
- a brief description of the project
- a brief summary of the objectives and activities of the project
- how the proposed project supports the District's mission and/or strategic plan goals
- the time period of the project
- partners, if any, in the grant application
- the amount being requested and the funding source
- required match, if any, and the proposed source
- amount of indirect costs that would be provided to the District
- amount of staff time, including reassigned time, required in the grant proposal
- any space and/or other facilities requirements in the proposal
- Participatory governance consultation outcome, as applicable (Academic Senate/Curriculum Committee for 10+1-related content, PRAC for resource-related content, other committees/subcommittees as appropriate)
- an evaluation and approval from ~~College Operations~~ area Vice President
- the anticipated impact on all other college offices, such as Research and Planning, Information Technology, Facilities, etc.
- plans, if required and/or desired, for institutionalization

If the proposal is approved by the Superintendent/President and is then approved by the funding agency and requires a formal written contract, it is the Project or Grant Manager's responsibility to submit it to ~~College Operations~~ the area Vice President for operational and legal review as necessary. Following this review, the Project or Grant Manager shall prepare a Board of Trustees agenda item requesting acceptance of the funding.

The Project or Grant Manager is solely responsible for complying with all requirements, including mandatory reports, of the funding agency. The Project or Grant Manager is responsible for providing a written summary of the grant's impact and outcomes to the area VP within three months of the grant's completion.

*Also see* BP/AP 3820 ~~titled~~ Gifts

Office(s) of Primary Responsibility: Office of Student Learning [& Success](#)

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Date Approved: November 13, 2012 (*Replaces College of Marin Procedure 7.0031 DP.1*)

Reviewed: April 18, 2017

**Reviewed/Revised:**

## General Institution

**CCLC 39 added legally recommended** language and citations to Penal Code Sections 832.7 and 832.8 for districts with police departments, regarding the disclosure of certain peace officer or custodial officer personnel records under the California Public Records Act. For districts with police departments, the penal code reference is recommended. Mici 8-24-2022  
Approved without changes. Mia/General Counsel 8-30-2022

**AP 3300 PUBLIC RECORDS****References:**

Government Code Sections 6250 et seq.;  
Penal Code Sections 832.7 and 832.8

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the Superintendent/President's Office.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Superintendent/President's Office may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social Security numbers must be redacted from records before they are disclosed to the public.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Within ten days, the Superintendent/President's Office or designee will determine whether ~~or not~~ the records can be produced and will communicate the determination to the member of the public requesting the record(s) and the cost to duplicate such records. School districts, city, county, state and federal agencies are exempt from this duplication fee. At the same time, the requesting party will also be advised as to the approximate date when the records will be ready.

The most common exemptions for community colleges include:

- Student records (Education Code Section 76243).
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure (Government Code Section 6254 subdivision (a)).

- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled (Government Code Section 6254 [subdivision \(b\)](#)).
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254 [subdivision \(c\)](#)).
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination (except for standardized tests provided for by Education Code Sections 99150 et seq.) (Government Code Section 6254 [subdivision \(g\)](#)).
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code Section 6254 [subdivision \(h\)](#)).
- Internet posting of home address or telephone numbers of locally elected officials (Government Code Section 6254.21).
- Home addresses, home telephone number(s), cellular phone number(s), and date of birth of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) (Government Code Section 6254.3).
- Personal email addresses (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 6254.3 [subdivision \(b\)](#)).
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company, or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.
- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
- Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency (Government Code Section 6254.33).

The District will comply with the provisions of Penal Code Sections 832.7 and 832.8 regarding the disclosure of specified peace officer and custodial officer personnel records when responding to Public Records Act requests.

Also see BP/AP 5040 ~~titled~~ Students Records and Directory Information

*Office of Primary Responsibility:* Superintendent/President

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Date Approved: November 16, 2010; March 12, 2019

**Date Reviewed/Revised:**

**General Institution**

Revision: reference to “gender” broadened to include sex so it is not too restrictive at recommendation of counsel. Mici 8-31-2022

Approved without changes. Nikki/HR 9-7-2022

Approved without changes. Sadika/SAS 9-7-2022

**AP 3430 PROHIBITION OF HARASSMENT****References:**

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

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

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

**Definitions**

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

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. Sexual harassment under Title IX is defined in AP 3433 Prohibition of Sexual Harassment under Title IX and Administrative Procedure 3434 – Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use the procedure in AP 3435 Discrimination and Harassment Complaint Procedures.



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

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

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

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

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

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

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

This definition encompasses two kinds of sexual harassment:

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

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

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

### **Consensual Relationships**

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty member, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

### **Academic Freedom**

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students

in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

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

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Date Approved: November 6, 2008

Date Revised: January 15, 2013; September 15, 2015; May 11, 2021

**Date Revised:**

**General Institution**

Due for review as part of the regular review cycle. Compared to CCLC model policy last updated October 2015. This policy is legally required. Mici B. 8-26-2022

Approved without changes. Mia/Legal 9-1-2022

Approved without changes. Nikki/Human Resources 9-1-2022

Approved without changes. Jeff M./Campus Police 9-6-2022

**BP 3510      WORKPLACE VIOLENCE PLAN****References:**

Cal/OSHA: Labor Code Sections 6300 et seq.;

8 Cal. Code Regs. Section 3203;

"Workplace Violence Safety Act of 1994" (Code of Civil Procedure Section 527.8 and Penal Code Sections 273.6~~and 12021~~)

The Board of Trustees is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.

The Superintendent/President shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

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Date Adopted: January 19, 2010

**Date Reviewed/Revised:**

**General Institution**

Due for review as regular review cycle and was compared to the CCLC model, with most recent update October 2015. This procedure is **legally required**. Mici B. 8-26-2022

Approved without changes. Mia/Legal 8-31-2022

Approved without changes. Nikki/ HR 8-31-2022

Approved without changes. Eresa/Administrative Services 8-31-2022

Approved without changes. Jeff M./Campus Police 9-6-2022

**AP 3510      WORKPLACE VIOLENCE PLAN****References:**

Cal/OSHA – Labor Code Sections 6300 et seq.;

Title 8 Section 3203;

Code of Civil Procedure Section 527.8;

Penal Code Sections 273.6, 626.9, 626.10, ~~and 12021~~

The District is committed to providing a safe work environment that is free of violence and the threat of violence.

**Responding to Threats of Violence**

The top priority in this process is effectively handling ~~to immediately respond and address~~ critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she ~~they~~ may be subject to criminal prosecution.

Should an employee, during working hours, demonstrate or threaten violent behavior he/she ~~they~~ may be subject to disciplinary action and/or criminal prosecution.

The following actions are considered violent acts:

- Striking, punching, slapping, or assaulting another person.  
Fighting or challenging another person to fight.
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening, or unwanted horseplay.
- Possession, use, or threat of use, of a firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her ~~their~~ employment, has been authorized by a District employee to have the

knife, or is a duly appointed peace officer who is engaged in the performance of his/her their duties.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to the District Police Department, Human Resources, and his/her their supervisor.

No person, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator shall be afforded due process before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, the District Police and/or appropriate law enforcement personnel will be called.

*Offices of Primary Responsibility:* Human Resources, Administrative Services, ~~College Operations,~~  
~~(District Police Department)~~

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Date Approved: December 8, 2009

**Date Reviewed/Revised:**

## Academic Affairs

**CCLC 39** updated this procedure to add *optional* language regarding designating Juneteenth as a district holiday. Other CBA holidays added. The Service also clarified optional language in this procedure. Mici 8-24-2022

Approved without revision. Jonathan and Cari on 8-25-2022

To ASC/AS

**AP 4010      ACADEMIC CALENDAR****References:**

Education Code Section 79020;

Title 5 Sections 55700 et seq. and 58142

It shall be the responsibility of the Office of Student Learning to establish a process for determining the academic calendar in accordance with contractual mandates and to recommend the academic calendar which shall include:

- The number of days that define an academic year ~~is {traditionally, 175 days of instruction and evaluation}~~
- Flexible calendar options, if any
- ~~Published holidays according to the California Community College Chancellor's Office and consistent with current collective bargaining agreements, which may include The District's college campuses and offices of the District shall be closed on the following holidays:~~
  - New Year's Day
  - Dr. Martin Luther King, Jr. Day
  - Lincoln Day
  - Washington Day
  - Memorial Day
  - Juneteenth
  - Independence Day
  - Labor Day
  - Veterans Day
  - Thanksgiving Day
  - Day after Thanksgiving Day
  - Christmas Eve Day
  - Christmas Day
  - New Year's Eve Day

**Other Holidays:** The Board of Trustees may declare other days to be holidays and close the ~~e~~College when good reason exists.

**Final Examinations:**

Final examinations are held at fixed times. Instructors are not to give examinations in advance of the regular schedule.

*Office of Primary Responsibility:* Student Learning and Success

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Date Approved: March 17, 2009 (*Replaced College of Marin Policies 7.0012 and 5.0025 and portions of Procedure 4.0003 DP.10*)

Date Revised/Reviewed: November 15, 2016

**Date Revised/Reviewed:**



**Academic Affairs**

**CCLC 39 legally advised for districts that allow credit for prior learning.** Procedure updated 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 by such examinations. (Title 5 Section 55052.5). Minor formatting clean-up. Mici B. 8-25-2022  
Approved without revisions. Jonathan E and Cari B/Student Success/Instruction 8-30-2022  
Approved without revisions. Jon H/Enrollment 9-6-2022  
To ASC/AS 9-1-2022

**AP 4235 CREDIT FOR PRIOR LEARNING****References:**

Education Code Sections; 66025.71, 66700, 70901, and 70902;  
Title 5 Sections 55050, 55051, ~~and~~ 55052, and 55052.5

Credit for prior learning may be earned for eligible courses approved by the district for students who satisfactorily pass an authorized assessment. Authorized assessments may include the evaluation of approved external standardized examinations, Joint Services Transcripts, student-created portfolios, and credit by examination. The Superintendent/President shall consult with the Faculty Senate and rely primarily on the recommendations of the Faculty Senate to establish administrative procedures to implement this Board Policy.

Students may demonstrate proficiency in a course eligible for Credit for Prior Learning and receive college credit through the approved alternative methods for awarding credit listed below:

- Achievement of a satisfactory score on an Advanced Placement (AP) examination;
- Achievement of a satisfactory score on the College Level Examination Program (CLEP);
- Achievement of a score that qualifies for credit by International Baccalaureate examination.
- Evaluation of Joint Service Transcripts (JST);
- Achievement of an examination administered by other agencies approved by the district;
- Evaluation of industry-recognized credential documentation;
- Evaluation of student-created portfolios; or
- Satisfactory completion of an institutional examination, known as Credit by Examination, administered by the college in lieu of completion of an active course listed in the current college catalog.

**Determination of Eligibility for Credit for Prior Learning**

The following criteria shall be used to determine eligibility for credit for prior learning:

- The student must be in good standing in the district;
- The student must have previously earned credit or noncredit from the district or be currently registered in the district;
- Current students must have an education plan on file;
- The course is listed in the current college catalog;
- The student is not currently enrolled in the course to be challenged; or
- Credit by Examination: The student is registered in the district and not currently enrolled in

nor received credit for a more advanced course in the same subject (may be waived by department).

Credits acquired by examination are not applicable to meeting of such unit load requirements as Selective Service deferment, Veterans, or Social Security benefits.

Credits acquired by examination shall not be counted in determining the 12 semester hours of credit in residence required for an associate's degree.

#### **Prior Learning Assessment Grading Policy**

Grading shall be according to the regular grading system in accordance with *AP 4230 Grading and Academic Record Symbols* and *AP 4231 Grade Changes*. Students shall be offered a "Pass/No Pass" option, in accordance with *AP 4232 Pass/No Pass Grading Option*, if that option is ordinarily available for the course. Students shall be given the opportunity to accept, decline, or appeal the grade assigned by the faculty, and in cases of Credit by Examination, pursuant to *AP 4231 Grade Changes*.

#### **Transcription of Credit for Prior Learning**

The student's academic record shall be clearly annotated to reflect that credit was earned by assessment of prior learning.

#### **Advanced Placement**

Achievement of a score of 3 or higher on an Advanced Placement Examination administered by the College Entrance Examination Board.

#### **College Level Examination Program**

Students requesting Credit for Prior Learning using the College Level Examination Program shall receive credit for completing a satisfactory score on a district-approved College Level Examination Program (CLEP) under the following circumstances:

- Official CLEP transcripts must be on file in Enrollment Services; or
- The student achieved a minimum acceptable score on the CLEP examination as recommended by the district's CLEP Equivalency Guide.

#### **Credit for Military Service/Training**

Students interested in Credit for Prior Learning using Joint Service Transcripts shall receive credit as recommended by the American Council on Education (ACE) Directory and approved by the appropriate discipline faculty of the college under the following circumstances:

- The student shall complete the Credit for Prior Learning assessment petition available in the Counseling Department or Enrollment Services;
- Official transcripts must be on file in Enrollment Services. These may include Joint Services Transcript (JST), Sailor/Marine American Council on Education Registry Transcript (SMART), Army and American Council on Education Registry Transcript Service (AARTS), Community College of the Air Force (CCAF), Coast Guard Institute (CGI), DANTES/USAFI, Defense Language Institute Foreign Language Transcripts (DLIFLC), Defense Manpower Data Center (DMDC), DLPT Examinee Results, DA Form 330 Language Proficiency Questionnaire, or verified copies of DD214 or DD295 military records; and
- Credit course equivalency shall be determined by the faculty of the appropriate discipline.

#### **Industry Recognized Credentials**

Students interested in Credit for Prior Learning using industry-recognized credential(s) shall receive credit as recommended by the appropriate department chair or faculty designee:

- The student shall complete the Credit for Prior Learning assessment petition available in the Counseling Department or Enrollment Services;
- Enrollment services shall grant credit for industry recognized credential(s) that have already been evaluated and approved by the appropriate department chair or faculty designee;
- If an industry recognized credential(s) has not yet been evaluated and approved by the appropriate faculty, the student shall meet with the department chair or faculty designee to receive further instructions for industry recognized credential(s) assessment;
- The student shall submit all industry recognized credential documents to the department chair or faculty designee for assessment of prior learning; and
- If the department chair or faculty designee determine the industry certification adequately measures mastery of the course content as set forth in the Course Outline of Record, the appropriate faculty shall sign the petition with the recorded grade, attach the industry recognized credential(s), and forward the completed petition and supporting documents to Enrollment Services to be kept on file and recorded on the student transcript.

#### **Student-Created Portfolio Assessment**

Students interested in Credit for Prior Learning using a student-created portfolio shall receive credit as recommended by the appropriate department chair or faculty designee under the following circumstances:

- A department approved portfolio assessment rubric for the course is on file;
- The student shall complete the Credit for Prior Learning assessment petition available in the Counseling Department or Enrollment Services;
- The student meets with the department chair or faculty designee to receive further instructions for student-created portfolio assessment;
- The student submits all portfolio documents to the department chair or faculty designee for assessment of prior learning; and
- If the department chair or faculty designee determine the student-created portfolio adequately measures mastery of the course content as set forth in the Course Outline of Record, the appropriate faculty shall sign the petition with the appropriate grade and forward it to Enrollment Services to be kept on file and recorded on the student transcript.

#### **Credit by Examination from Within the District**

The department chair or faculty designee shall determine whether or not a student requesting Credit by Examination is sufficiently well prepared to warrant being given this opportunity. This determination is based upon a review of previous course work and/or experience.

Students wishing to take a course through Credit by Examination are encouraged to informally discuss the matter with the department chair or faculty designee and instructor prior to initiating the formal process. All steps must be completed in the order listed or the Petition for Credit by Examination shall not be processed. The Petition for Credit by Examination must be completed prior to the end of the current semester or session.

The district will award college course credit for successful completion of a district examination administered by the appropriate departmental faculty under the following circumstances:

- Credit by satisfactory completion of an examination administered by the district in lieu of completion of a course listed in the College of Marin catalog is obtained by the student.

### **The District Credit by Examination Process**

In order to permit students to demonstrate that they have met the objectives of a course through experience in the work place, foreign language proficiency, or some other process outside the conventional academic setting, students may earn credit by receiving a passing grade on an examination administered by the appropriate instructional department/ program. The completion of Credit by Examination may require the demonstration of other skills or the completion of assignments in addition to an examination.

Upon completion of an education plan, students interested in Credit for Prior Learning using Credit by Examination shall receive credit as recommended by the appropriate department chair or faculty designee under the circumstances stated immediately below.

### **The Credit by Examination Procedures**

- Student shall complete the Credit for Prior Learning assessment petition available in the Counseling Department or Enrollment Services;
- Student shall meet with the department chair or faculty designee further instructions for Credit by Examination; and
- If the department chair or faculty designee determine the Credit by Examination assessment measures mastery of the course content as set forth in the Course Outline of Record, the appropriate faculty shall sign the petition with the recorded grade and forward to Enrollment Services to be kept on file and recorded on the student transcript. Completed exam materials must remain on file with the department/program for three years.

*Also see BP/AP 4050 titled Articulation*

*Office of Primary Responsibility:* [Student Learning and Success, Enrollment](#)

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Date Approved: May 18, 2010 (*Replaced portions of College of Marin Procedure 4.0003 DP.10*)

Date Reviewed/Revised: June 20, 2017; December 15, 2020

**Date Reviewed/Revised:**

**Student Services**

**CCLC 39** updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residency determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315). Minor change bottom of page 3. Mici B. 8-25-2022

Approved without changes. Jon H./Enrollment 9-6-2022

Minor, non-substantive update since April 2022 review. To ASC/AS 8-30-2022

**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.
- 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, ~~less than three years before the date of enrollment in a course~~ 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

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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

**Date Reviewed/Revised:**

**Student Services**

**CCLC 39** adds a legal citation to reflect an amendment to Title 10 of the U.S. Code regarding the disclosure of student information to the military for recruitment purposes. CCLC 40 updates were approved in May 2022. Mici B. 8-26-2022

Approved. Jon H. info only 8-30-2022

To ASC/AS info only because no substantive changes and updated in May 2022. 8-20-2022

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

Education Code Sections 66093.3, 66271.4, 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 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 devise; 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 and Gender Changes to Former Student 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 based on a legal name or gender change than the fee it charges for correcting, updating, or reissuing that document 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 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.

*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; and BP/AP 5040 Student Records, Directory Information and Privacy.

*Office of Primary Responsibility:* Office of Enrollment Services

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

Revised: January 15, 2013; May 15, 2018; May 17, 2022

**Reviewed/Revised:**

**Business and Fiscal Affairs**

**CCLC 38 & 39 Updates – legally required.** The Service updated this policy to add legal citations and language regarding amendments to Title 5 concerning a district's ability to obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program. (Title 5 Sections 59130 et seq.) and also added optional language to highlight diversity, equity, and inclusion issues. Mici 2-1-2022

Greg/Admin Svcs. 4-22-2022

Reviewed and approved by Eresa Puch/Admin. Svcs. 8-4-2022

**BP 6340 BIDS AND CONTRACTS****References:**

Education Code Sections 81641 et seq.;  
Public Contract Code Sections 20650 et seq.  
Government Code Section 53060;  
ACCJC Accreditation Standard III.D.16;  
2 Code of Federal Regulations, Part 200.318;  
Title 5 Sections 59130 et seq.

The Board of Trustees delegates to the Superintendent/President the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- Contracts are not enforceable obligations until they are ratified by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board of Trustees shall award each such contract to the lowest responsible, responsive bidder who meets the specifications published by the District and who shall give such security as the Board requires. The Board may reject all bids.
- The amounts specified in Public Contract Code Section 20651 shall not apply to contracts for public projects falling within the limits for informal bidding under the California Uniform Public Construction Cost Accounting Act.
- When the District determines that, according to Public Contract Code Section 20651.7, it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may select and award the contract based on best value in accordance with AP 6340. The bidder shall give such security as the Board requires and the Board may reject all bids.
- When the Superintendent/President, in consultation with Assistant Superintendent/Vice President of Administrative Services or designee, determines that, the District can obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program for the Procurement of Goods and Services for Community College Districts at a lower price upon the same terms, conditions and specifications, the Assistant Superintendent/Vice President of Administrative Services or designee may proceed with the contract without conducting a formal bidding process.

If the Superintendent/President concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition, or purchase order through any other public corporation or agency in accordance with Public Contract Code Section 20652, the Superintendent/President is authorized to proceed with a contract.

**Unlawful to Split Bids**

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by the contract after competitive bidding.

The District commits to achieving diversity, equity, and inclusion with regard to its vendors. The Board delegates to the Vice President of Administrative Services the authority to create a Vendor Diversity Plan to increase diversity, equity, and inclusion in the District's vendors.

Office of Primary Responsibility: ~~College Operations~~ Administrative Services

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Date Adopted: January 20, 2009 *(Replaces College of Marin Policies 6.0013 and 6.0018)*

Date Reviewed/Revised: March 12, 2019; June 18, 2019

**Date Reviewed:**

**Business and Fiscal Affairs**

**CCLC 38** legal references updated and legally required language to reflect new legal requirements that bid documents and construction documents specify that a project is subject to the skilled and trained workforce requirement and to add optional language to highlight diversity, equity and inclusion.

**CCLC 39** legal references updated this procedure to add legal citations and language regarding amendments to Title 5 concerning a district's ability to obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program. The Service also removed a broken link. Mici 4-13-2022

To Greg/Admin. Svcs. 4-22-2022

Reviewed and approved by Eresa Puch 8-4-2022

**AP 6340 BIDS AND CONTRACTS****References:**

Education Code Sections 81641 et seq.;

Public Contract Code Sections [2600, 2600.5](#), 20103.7, 20112, 20650 et seq., and 22000 et seq.;

Labor Code Sections 1770 et seq.;

Government Code Section 53060;

ACCJC Accreditation Standard III.D.16;

2 Code of Federal Regulations Part 200.318;

[Title 5 Sections 59130 et seq.](#)

**Limits**

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the limits set out in the Public Contract Code will require documented quotes
- Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.

In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

**Bid Specifications**

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

Additionally, when the use of a skilled and trained workforce to complete a contract or project is required, the bid documents and construction contracts shall state that the project is subject to the skilled and trained workforce requirement.

**Notice Calling for Formal Advertised Bids**

The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post the information on the District's web site or through an electronic portal, a notice calling for bids or proposals, stating the work to be done or

materials or supplies-to be furnished and the time and place when bids will be opened. Mailing shall be completed at least thirty (30) days before the date of bid opening. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by *the* Chief Business Officer or designee. All applicable statutory provisions and Board Policies shall be observed in preparation of the forms.

The Chief Business Officer or designee shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

*The* Chief Business Officer or designee shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and material personnel may examine the specifications and drawings.

The Chief Business Officer or designee shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

### **Awarding of Bids and Contracts**

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids may be rejected by the District for any reason.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board of Trustees shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible, responsive bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.
- For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and material, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the Board of Trustees in accordance with this section.
- "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board of Trustees, achieved through methods in

accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

#### **Purchase without Advertising for Bids**

The Chief Business Officer or designee is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The Chief Business Officer or designee may, without advertising for bids within the same county, city, town or district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Chief Business Officer or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The Chief Business Officer or designee is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

The Vice President of Administrative Services or designee may make purchases through the CollegeBuys Program for the Procurement of Goods and Services for Community College Districts, without conducting an independent local bidding process, if the District determines that doing so would result in a lower contract price upon the same terms, conditions and specifications.

#### **Duration of Continuing Contracts for Services and Supplies**

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

#### **Emergency Repair Contracts without Bid**

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Chief Business Officer may make a contract on behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

#### **Unlawful to Split Bids**

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

#### **Record Retention**

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

#### **Vendor Diversity Plan**

The Superintendent/President will create a Vendor Diversity Plan to increase diversity, equity, and inclusion in the District's vendors.

*Office of Primary Responsibility:* ~~College Operations~~ Administrative Services

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Date Approved: December 9, 2008

Date Reviewed/Revised: February 12, 2019

**Date Reviewed/Revised:**

**Business and Fiscal Affairs**

No CCLC updates. Reviewed as part of the regular review cycle. Corresponding AP was updated March 2021. Formatting updated (font change). Mici B.  
Approved without changes. Eresa/Administrative Services 9-3-2022

**BP 6560 ENVIRONMENTAL RESPONSIBILITY****References:**

Title 5 Sections 57050-57055

The Board recognizes that energy and other resources are finite resources and should be used responsibly.

The Superintendent/President shall be responsible for ensuring the efficient use of energy and other resources in support of the educational goals and objectives of the District. Environmentally responsible practices shall be considered in at least the following areas:

- Instructional Programs
- Maintenance and Operations
- Transportation Demand Management
- Renewable Energy
- Capital and Scheduled Maintenance Construction Projects

Furthermore, to comply with the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, the Superintendent/President shall be responsible for the development and implementation of practices, procedures, and programs that address LEED credit requirements for all projects seeking LEED certification.

*Office of Primary Responsibility:* ~~College Operations~~Administrative Services

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Date Adopted: January 20, 2009 (*This replaced College of Marin Policy 8.0024*)

**Date Reviewed/Revised:**



## Human Resources

**CCLC 38 updates** this procedure to add optional language to highlight diversity, equity, and inclusion issues. Review with BP 7600 (updated June 2022) due as part of cycle of review. Mici 4-13-2022

Approved without revisions. 8-25-22

**AP 7600 DISTRICT POLICE****References:**

Education Code Sections 67381, 72330 et seq;  
Government Code Sections 1031 and 3300 et seq.

The Chief Human Resources Officer is delegated the responsibility to establish minimum qualifications of employment for the District Chief of Police including but not limited to the conditions contained in Board Policy 7600 District Police.

Every member of the District's Police Department must meet the following requirements, including but not limited to:

- Submission of one copy of ~~his/her~~ their fingerprints which shall be forwarded to the Federal Bureau of Investigation and State of California,
- A determination that the employee is not a person prohibited from employment by a California community college district, and
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Every member of the District Police shall be supplied with, and authorized to wear, a badge bearing words "District Police" or "College Police." Every member of the District police shall be issued a suitable identification card.

Salaries for college police shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the Executive Director of Human Resources.

The Chief of Police shall issue such other regulations as may be necessary for the administration of the District's Police Department:

- Schedules and shifts,
- Call back procedures,
- Weapons practices, especially drawing weapons,
- Use of vehicles,
- Pursuit practices,
- Discipline procedures, and/or
- Training.

The District Police Department shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault,
- Geographical boundaries of the operational responsibilities, and
- Mutual aid procedures.

*Office of Primary Responsibility:* Administrative Services, Human Resources, and District Police Department

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Date Approved: January 17, 2012

Date Revised: May 11, 2021

**Date Revised:**

## Human Resources

CCLC 38 updated this procedure to remove contact information for the State Personnel Board.

Compared to CCLC Model procedure and updated legal citations.

Mici 4-13-2022

Approved without revisions. Nikki/Human Resources 8-25-22

**AP 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 (Labor Code Section 2698);

Affordable Care Act (29 U.S. ~~C-~~ode Section 218C)

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, reported such activities and/or assist the District in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700 ~~titled~~ Whistleblower Protection, and addressing complaints of retaliation for making such reports.

**Filing a Report of Suspected Unlawful Activities**

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. When the alleged unlawful activity involves the Superintendent/President, the report should be made to the President of the Board of Trustees. When the alleged unlawful activity involves the Board of Trustees or one of its members, the report should be made to the Superintendent/President who will confer with the President of the Board of Trustees and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his or her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he or she must immediately forward to the Superintendent/President. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The high-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District's no-retaliation policy. Each individual shall be: a) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if he or she experiences retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt, and appropriate corrective action shall be taken.

### **Protection from Retaliation**

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation.

Any employee who believes he or she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report or who otherwise is aware of retaliatory conduct, is required to advise the Superintendent/President. The supervisor shall report to the highest level administrator and/or trustee who is not implicated in the reports of unlawful activity and retaliation.

All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

### **Whistleblower Contact Information**

Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the State Chancellor's Office or the Board of Trustees for the District. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. ~~The State Personnel Board phone number is (916) 653-0799.~~

**Other Remedies and Appropriate Agencies**

In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency.

*Office of Primary Responsibility:* Human Resources

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Date Approved: January 17, 2012

Date Revised: April 19, 2016

**Date Reviewed/Revised:**