

Policy and Procedure Notes

2-25-2021

[BP 2105 Election of Student Trustee](#) – No CCLC update. Regular review (due for review as part of the regular review cycle).

[AP 2105 Election of Student Trustee](#) – No CCLC update. Due for review.

[BP 2305 Annual Organizational Meeting](#) - No CCLC update. Due for review.

[AP 2305 Annual Organizational Meeting](#) - No CCLC update. Due for review.

[AP 3415 District Response to Immigration Enforcement Actions](#) - CCLC Update 34 Content was added and approved in February of 2019 before the update was released. The update was reviewed along with AP 3501, BP/AP 5015 and AP 5040. The additions to this AP have been added to this procedure from the above referenced APs to conform with the CCLC model.

[BP 5015 Residency Determination](#) - CCLC Update 34 (March 2019) to add a legal citation and specify that residence determination is not required in the enrollment situations as noted.

[BP 5170 Children's Centers](#) - No CCLC update. Due for review.

[AP 5170 Children's Centers](#) - No CCLC update. Due for review.

[BP 5180 Job Placement Services](#) - No CCLC update. Due for review.

[BP 5190 Student Activities](#) - No CCLC update. Due for review.

[BP 5200 Student Health Services](#) – No CCLC update. Due for review.

[AP 5200 Student Health Services](#) – No CCLC update. Due for review.

[BP 5205 Student Accident Insurance](#) – No CCLC update. Due for review.

[BP 5210 Communicable Diseases](#) – Students - No CCLC update. Due for review.

[BP 5510 Off-Campus Student Organizations](#) - No CCLC update. Due for review.

[AP 5510 Off-Campus Student Organizations](#) - No CCLC update. Due for review.

[BP 5570 Student Credit Card Solicitation](#) - No CCLC update. Due for review.

[AP 5570 Student Credit Card Solicitation](#) - No CCLC update. Due for review.

[AP 5610 Voter Registration](#) - No CCLC update. Due for review.

[BP 5800 Prevention of Id Theft in Student Financial Transactions](#) - No CCLC update. Due for review.

[AP 5800 Prevention of Id Theft in Student Financial Transactions](#) - No CCLC update. Due for review.

[AP 6560 Environmental Responsibility](#) - Updated to make the procedure more robust around CEQA and environmental compliance (NOEs must be board approved at a public meeting rather than staff-level approval).

[AP 7336 Certification of Freedom from Tuberculosis](#) - CCLC Update 30 - Legally required update to conform with statutory language.

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

Status Update

BP/AP 3430 Prohibition of Harassment – Administrative Review

AP 3435 Discrimination and Harassment Complaints and Investigations - Administrative Review

BP/AP 4220 Standards of Scholarship – Administrative Review

AP 5010 Admissions – Administrative review

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

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

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

BP/AP 5050 Student Success and Support - Administrative Review

AP 5017 Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information - Administrative Review in conjunction with BP/AP 3415

AP 5040 Student Records, Directory Information, and Privacy - Administrative review

AP 5130 Financial Aid - Administrative Review

Title IX Updates under Administrative Review:

BP/AP 3410 Nondiscrimination

BP/AP 3420 Equal Employment Opportunity

BP/AP 3430 Prohibition of Harassment

BP/AP 3433 Prohibition of Sexual Harassment under Title IX (NEW)

AP 3434 Responding to Harassment Based on Sex under Title IX

AP 3435 Discrimination and Harassment Investigations NEW

BP/AP 3540 Sexual and Other Assaults on Campus

AP 5520 Student Discipline and Due Process

AP 5530 Student Grievances

BP 2105 ELECTION OF STUDENT TRUSTEE

References:

Education Code Sections 72023.5 and 72103

The Student Trustee shall be chosen by the students enrolled in the District as follows:

The Student Trustee shall be elected by all the students of the student body in a general election held for that purpose. Normally an election will be held in the spring semester so that the office is filled by June 1. The student member may be recalled by all the students of the student body in an election held for that purpose in accordance with administrative procedures established by the Superintendent/President.

Special elections may be held if the office becomes vacant by reason of the resignation, recall, or disqualification of an elected student member, or by any other reasons. Special elections shall be held within thirty (30) calendar days after notice of the vacancy comes to the attention of the Superintendent/President.

Candidates for the position may nominate themselves or be nominated by others by the filing of an application certifying that the candidate is eligible for service under the criteria set forth in California law and these policies. The election will be conducted in accordance with administrative procedures established by the Superintendent/ President.

Date Adopted: December 8, 2009

Date Revised: March 19, 2013, November 14, 2014

Date Reviewed:

Board of Trustees

No CCLC Updates – Regular Review 1-27-2021 Mici (cleaned up formatting: bolded, un-bolded and spelled out numbers)

AP 2105 ELECTION OF STUDENT TRUSTEE

Reference:

Education Code Section 72023.5

The Student Trustee shall be elected by a plurality vote of those voting in a regular election of the student body. All members of the student body may vote. Normally, the election will be conducted during the spring semester and will be completed in time for the Student Trustee to take office on June 1.

The Student Trustee may be recalled in an election conducted in the same manner as the election to office. An election will be called upon presentation to the Superintendent/President of a petition signed by at least ten percent (10%) of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within thirty (30) days of a regularly scheduled election for the Student Trustee.

The office shall become vacant if the Student Trustee becomes ineligible for the office, resigns, is recalled, or dies. Upon notice to the Superintendent/President that a vacancy has occurred, the Superintendent/President or designee may arrange for a special election that provides for:

- ~~n~~Notice communicated to the student body of the result of the recall election, if the vacancy has occurred as the result of a recall election, and arrangements for a special election;
- ~~a~~An application period z for students to submit an application z to become a candidate for the open position that will be open for at least five (5) instructional days on which classes are regularly held;
- ~~f~~Following such application period, a period of time no less than five (5) instructional days upon which classes are regularly held for campaigning, and;
- ~~v~~Voting for the special election to be concluded within thirty (30) calendar days following the date upon which the position became vacant.

No special election will be called if the vacancy occurs within sixty (60) calendar days of a regularly scheduled election for student member.

Date Approved: December 8, 2009

Dates Revised: February 26, 2013, April 2014

Date Reviewed/Revised:

Marin Community College District Policy

No. 2305

Board of Trustees

No CCLC Update – Due for Review – Reviewed 1-27-2021 Mici

BP 2305 ANNUAL ORGANIZATIONAL MEETING

Reference:

Education Code Section 72000(c)(2)(A)

The Organizational Meeting of the Board shall be held annually in connection with the regular meeting in December, within fifteen (15) days of the date that Governing Board members take office and generally within the first two weeks of December.

The specific business before this meeting shall be the seating of Board officers and the determination of the regular meeting schedule of the Board.

Board officers shall be seated annually at the Organizational Meeting of the Board in accordance with Administrative Procedure 2305 Annual Organizational Meeting.

Also see AP 2305 Annual Organizational Meeting; BP 2210 titled Officers.

Date Adopted: April 21, 2009

(Replaces College of Marin Policies 1.3020, 1.3021, and 1.5010)

Date Revised: April 20, 2010

Date Reviewed/Revised:

Board of Trustees

No model CCLC available – Due for Review – Reviewed 1-27-2021 Mici

AP 2305 ANNUAL ORGANIZATIONAL MEETING

Board officer positions shall rotate annually among all elected Trustees, with each Trustee moving up one position yearly, except for the Board President who moves to the end of the rotation list behind any newly elected Trustees. The Trustee at the top of the rotation list shall serve as Board President, followed by the Vice President and Clerk.

At the time they are seated on the Board, newly elected Trustees shall be added to the rotation list following continuing Trustees and ahead of the most recent Board President. If more than one Trustee is elected or appointed to the Board, new Trustees will be added to the rotation list with the Trustee receiving the highest number of votes, followed by the next highest vote getter until all new Trustees have been added to the rotation list.

In the event a Trustee position is vacated, all Trustees below the vacant position move up one position. Any individual who occupies a rotation position or officer position for more than six (6) months shall be considered as having occupied that position for a full year.

Trustees shall have the option of declining to serve in a Board officer role. Any Trustee who so declines shall move to the bottom of the rotation list behind any newly elected Trustees and the most recent President.

The initial sequence of rotation ~~will be~~ was established at the December 2014 organizational meeting. Each Trustee's name ~~will be~~ was randomly drawn. ~~The first Trustee drawn will have the option of placing their name in any of the seven positions available. The second Trustee drawn will be placed in the highest remaining position. This will continue until all seven positions are full. The first position in the sequence of seven will be the Board President. The second position in the sequence will be the Vice President. The third position in the sequence will be the Clerk. Positions four through seven will complete the sequence of rotation. Once the~~ Since the initial rotation sequence is was established, AP 2305 as adopted will be has been followed.

~~A member of the audience will be selected to verify that all seven of the Trustees names are included in the drawing. The same individual will draw each name. The Superintendent/President will verify the names.~~

Also see BP 2305 Annual Organizational Meeting; BP 2210 titled Officers.

Date Approved: November 18, 2014

Date Reviewed/Revised:

General Institution

To General Counsel 10/01/2020

CCLC Update 34 Content was added and approved in February of 2019 before the update was released. The update was reviewed along with AP 3501, BP/AP 5015 and AP 5040. The additions to this AP have been added from the above referenced APs to conform with the CCLC model. Mici B. 9/29/2020

AP 3415 DISTRICT RESPONSE TO IMMIGRATION ENFORCEMENT ACTIONS - NEW**References:**

Education Code Section 66093.3

Responding to Requests for Access for Immigration Enforcement Activities

District shall provide guidance and offer to campus employees training addressing law enforcement access to campus buildings. This guide shall include the following required topics:

- Campus police contact information to report concerns about the presence of officers engaged in immigration enforcement on any campus property.
- Samples of warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- Sample responses for personnel to use in response to officers seeking access for immigration enforcement purposes that avoids classroom interruptions, and that preserves the peaceful conduct of the school's activities.

District personnel shall advise all students, faculty, and staff to immediately notify the office of the Superintendent/President, or his or her designee, if he or she is advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purposes. Campus police should also be notified as soon as possible.

No personnel may consent to entry of District facilities or portions thereof.

District personnel shall advise all students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order, to refer the entity or individual to the office of the Superintendent/President, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena.

If the officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should not refuse the officer's orders and immediately contact the District General Counsel or Campus Police.

The Superintendent/President or designee shall determine what type of authorization is being provided to support the officer's request for access:

- A U.S. Immigrations and Customs Enforcement (ICE) "warrant." Immediate compliance is not required. District personnel shall inform the officer that he/she cannot consent to

any request without first consulting with the District General Counsel. Provide copy of the warrant to the District General Counsel as soon as possible.

- A federal judicial warrant (search-and-seizure warrant or arrest warrant): Prompt compliance with such a warrant is usually legally required, but where feasible, consult with the District General Counsel before responding.
- A subpoena for production of documents or other evidence: Immediate compliance is not required. Inform the officer that the District cannot respond to the subpoena until after it has been reviewed by a designated administrator. Provide a copy of the subpoena to a designated administrator or legal counsel as soon as possible.
- A notice to appear: This document is not directed at the District. District is under no obligation to deliver or facilitate service of this document to the person named in the document. If a copy of the document is received, it must be given to a designated administrator as soon as possible.

District personnel should not attempt to physically interfere with an officer, even if the officer appears to be acting without consent or exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, District personnel shall make a record of the contact and forward the information to the Office of the Superintendent/President.

In making record of the contact with an immigration enforcement officer, District personnel shall provide the following information:

- Name of the officer, and, if available, the officer's credentials and contact information;
- Identity of all school personnel who communicated with the officer;
- Details of the officer's request;
- Whether the officer presented a warrant, subpoena, or court order to accompany his/her request, what was requested in the warrant/subpoena/court order, and whether the warrant/subpoena/court order was signed by a judge;
- District personnel's response to the officer's request;
- Any further action taken by the immigration officer; and
- Photo or copy of any documents presented by the agent.

District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Superintendent/President or District General Counsel.

In turn, the Superintendent/President or District General Counsel shall submit a timely report to the District's governing board and the campus public safety office regarding the officer's requests and actions and the District's response(s).

Responding to Immigration Acts Against Students or Family Members

If there is reason to suspect that a student, faculty member, or staff person has been taken into custody as the result of an immigration action, District personnel shall notify the person's emergency contact that the person may have been taken into custody.

District personnel shall designate a staff person as a point of contact for any student, faculty member, or staff person who may or could be subject to an immigration order or inquiry.

District personnel shall not discuss the personal information, including immigration status information, of any student, faculty member, or staff person with anyone, or reveal the personal information to anyone, unless disclosing this information is permitted by federal and state law.

District personnel shall maintain a contact list of legal service providers who provide legal immigration representation and provide this list free of charge to any student who requests it. At minimum, the list shall include the legal service provider's name and contact number, e-mail address, and office address.

If a student is detained or deported, or is unable to attend to his or her academic requirements because of an immigration order, District personnel shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits the student has been awarded or received subject to and in compliance with its policy.

District personnel shall permit a student who is subject to an immigration order to reenroll if and when the student is able to return to the District, subject to and in compliance with its policy and will make reasonable and good-faith efforts to provide for a seamless transition in the student's reenrollment and reacquisition of campus services and support.

District personnel shall be available to assist any student, faculty, and staff who may be subject to an immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of immigration enforcement actions.

Also see BP 3415 District Response to Immigration Enforcement Actions; BP/AP 3501 Campus Security and Access; BP/AP 5015 Residence Determination; BP/AP 5040 Student Records, Directory Information and Privacy⁷.

Office of Responsibility: Superintendent/President

Date Adopted: February 12, 2019

Date Reviewed/Revised:

Student Services

To J Horinek 9/30/2020, no changes

CCLC Update 34 (March 2019) to add a legal citation and specify that residence determination is not required in the enrollment situations as noted. 9/23/2020 Mici

BP 5015 RESIDENCE DETERMINATION**References:**

Education Code Sections 66093.3, 68000 et seq., 68130.5 ~~and~~ 68074 - 68075.7, and 68086;
Title 5 Sections 54000 et seq.

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.

Right to Appeal

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

Appeal Procedure

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

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

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

Reclassification

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

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

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

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

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

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

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

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

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

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

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

Non-Citizens

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

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

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and he/she 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 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 immigration status, or will file an application as soon as he/she 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 immigration status, or will file an application as soon as he/she is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

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

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

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

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

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

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

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

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

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

Office of Primary Responsibility: Office of Enrollment Services

Date Approved: December 8, 2009

(Replaces part of current College of Marin Procedure 4.0003 DP.1)

Date Reviewed/Revised: February 12, 2019

Date Revised: April 16, 2019

Date Review/Revised:

Student Services

No model CCLC Available – Due for Review – Reviewed without changes 1-27-2021 Mici

BP 5170 CHILDREN’S CENTERS

Reference:

Education Code Section 79120

In order for District educational programs to be more accessible to students with pre-school children, the Board directs the Superintendent/President to maintain **€**children's **€**centers.

Children's **€**centers shall adhere to State statutes for determining eligibility requirements for admission.

Date Adopted: May 18, 2010

(Replaces College of Marin Policy 4.0014)

Date Reviewed:

Student Services

No model CCLC available – Due for Review – Reviewed with minor revisions 1-27-2021 Mici

AP 5170 CHILDREN'S CENTERS**Reference:**

Education Code Section 79120

All family records and information ~~must~~ shall be kept confidential for participants in the College of Marin ~~C~~children's ~~C~~centers. All such records ~~must~~ shall be kept in locked metal file cabinets that are accessible to the Director, site supervisors, teachers, and the child care program assistant. The metal files must be located in or near each ~~C~~children's ~~C~~center in an office that can be locked.

Information may be released from confidential records only with the written permission of the parents. Written parental permission is required before photographs of children may be used for purposes outside the program. Written parental permission is required before children participate in any research program.

All confidential discussions with the parent(s) or guardian(s), informal or formal, must occur in privacy.

Date Approved: April 20, 2010

(Replaces College of Marin Policy 4.0033)

Date Reviewed/Revised:

Student Services

No model CCLC – Due for Review - Reviewed with minor change 1-27-2021 Mici

BP 5180 JOB PLACEMENT SERVICES**Reference:**

No references

The Job Placement Office requires employers who wish to list available employment positions with the College to confirm that, when employing College of Marin Students, they will not discriminate on the basis of national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

Exceptions to this policy may be made when regulations governing federal, state, or local agencies prohibit them from complying with one or more of the above categories.

Date Adopted: May 17, 2011

(Replaces ~~This is~~ College of Marin Policy 4.0034)

Date Reviewed/Revised:

Student Services

No model CCLC available – Due for Review – Reviewed with minor revisions 1-27-2021 Mici

BP 5190 STUDENT ACTIVITIES

Reference:

Education Code Section 76060

The Superintendent/President shall direct efforts ~~toward the promoting, supporting, and proper directing of~~ to promote, support, and oversee student activities associated with college programs as an integral part of meeting student learning outcomes.

Date Adopted: May 12, 2009

(Replaces College of Marin Policy 4.0029)

Date Reviewed/Revised:

Student Services

No CCLC Update – Due for Review – Review/revised with minor change
and font corrected 1-27-2021 Mici

BP 5200 STUDENT HEALTH SERVICES

References:

Education Code Section 76401;

Title 5 Sections 54700 et seq.;

Family Educational Rights and Privacy Act (FERPA) Guidelines;

Health Insurance Portability and Accountability Act of 1996 (HIPAA) Guidelines

Student health services shall be provided in order to contribute to the education aims of students by promoting physical and emotional well-being through health-oriented programs and services.

Date Adopted: May 12, 2009

(Replaces College of Marin Policy 4.0013)

Date Reviewed/Revised:

Student Services

No CCLC Update – Reviewed without substantive changes 1-27-2021 Mici

Note: AP 7336 referenced has updates, planned to go to the March Board meeting also.

AP 5200 HEALTH SERVICES

Reference:

Education Code Section 76401

Family Educational Rights and Privacy Act (FERPA) Guidelines;

Health Insurance Portability and Accountability Act of 1996 (HIPAA) Guidelines

The scope of practice of Health Services professionals is regulated by the licensing boards of the professions.

Health Services shall make known to the college community the existence and availability of health services. A description of the services shall be published in the college catalogs, schedules of classes, and posted on the District website.

Beyond the required student fee, Health Services may charge an additional fee for some of its services including, but not limited to, laboratory fees, immunizations, and prescription medications.

Also see AP 7336 ~~titled~~ Certification of Freedom from Tuberculosis

Office of Primary Responsibility: Office of Student Learning and Success

Date Adopted: April 21, 2009

(Replaces College of Marin Policy 7.0039)

Date Reviewed:

Student Services

No CCLC Update – Legally required. Reviewed Mici 2-10-2021

BP 5205 STUDENT ACCIDENT INSURANCE

Reference:

Education Code Section 72506

The District shall assure that students are covered by accident insurance in those instances required by law or contract. Student accident insurance is in excess of any valid and collectible benefits provided by other insurance plans or pre-paid plans (i.e. HMO's) covering the student.

Also see BP 5700 ~~titled~~ Athletics **and BP 6540 Insurance**

Date Adopted: May 12, 2009

(Replaces College of Marin Policy 7.0039)

Date Reviewed:

Student Services

No CCLC Update – Legally required. Reviewed Mici 2-10-2021

BP 5210 COMMUNICABLE DISEASES - STUDENTS

Reference:

Education Code Section ~~5~~ 76403

The Superintendent/President shall establish procedures necessary to assure cooperation with local public health officials in measures necessary for the prevention and control of communicable diseases in students.

Date Adopted: May 12, 2009

Date Reviewed:

Student Services

No CCLC Update – Legally Required. Reviewed 2-10-2021

BP 5510 OFF-CAMPUS STUDENT ORGANIZATIONS

Reference:

34 Code of Federal Regulations Section 668.46 subdivision (b)(7)

The District shall work with local law enforcement agencies to monitor and assess criminal activity in which students engage at off-campus locations of student organizations officially recognized by the District.

Date Adopted: April 17, 2012

Date Reviewed/Revised:

Student Services

No CCLC Update - Legally Required. Reviewed/Revised 2-10-2021

AP 5510 OFF-CAMPUS STUDENT ORGANIZATIONS**Reference:**34 Code of Federal Regulations Section 668.46 subdivision (b)(7)

When a student is involved in an ~~off-campus~~ offense at an off-campus location of a student organization officially-recognized by the institution, District Police may assist with the investigation in cooperation with local, state, or federal law enforcement. Local law enforcement agencies routinely work and communicate with the District Police Department on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. Students may live in the neighborhoods surrounding the campus. Although local law enforcement agencies have primary jurisdiction in all areas off campus, District Police can and do respond to student-related incidents that occur in close proximity to campus. District Police have direct radio communications with the city police, fire department, and ambulance services to facilitate rapid response in any emergency situation.

Office of Primary Responsibility: District Police Department

Date Approved: March 13, 2012**Date Reviewed/Revised:**

Student Services

No CCLC Update – Legally Required. Revised Mici 2-10-2021

BP 5570 STUDENT CREDIT CARD SOLICITATION

References:

Education Code Section 99030;
Title 5 Section 54400;
Civil Code Section 1747.02 subdivision (m)

The Superintendent/President shall establish procedures that regulate the solicitation of student credit cards on campus.

Date Adopted: May 12, 2009

Date Reviewed/Revised:

Student Services

No CCLC Update – Legally Advised. Revised Mici 2-10-2021

AP 5610 VOTER REGISTRATION

References:

20 U.S. Code Section 1094 subdivision (a)(23)(A);

34 Code of Federal Regulations Section 668.14 subdivision (d)(1)

A good faith effort shall be made to distribute a mail-in voter registration form to each student enrolled in a degree or certificate program and physically in attendance at the Marin Community College District.

Mail-in voter registration forms shall be made widely available to students.

An active link to the California Secretary of State's voter registration web page or site shall be provided on the student portal to allow students to receive voter information.

The District designee for the California Secretary of State to contact for purposes of distribution of voter registration cards shall be the Director of Student Services, Activities & Advocacy Affairs.

Office of Primary Responsibility: Student Affairs-Services

Date Approved: April 29, 2009

Revised: June 19, 2012

Reviewed/Revised:

Student Services

No CCLC Update – Legally advised. Revised Mici 2-10-2021

AP 5570 STUDENT CREDIT CARD SOLICITATION

Reference:

Education Code Section 99030;
Title 5 Section 54400;
Civil Code Section 1747.02 subdivision (m)

Credit card solicitation will be regulated by the District to include the following:

- Sites at which student credit cards are marketed ~~should be registered~~ shall register with the campus administration.
- The number of sites allowed on campus may be limited.
- Marketers of student credit cards are prohibited from offering gifts to students for filling out credit card applications.

Credit card and debt education is communicated to students through literature and orientation sessions.

Office of Primary Responsibility: Student ~~Affairs~~ Services

Date Approved: April 21, 2009

Date Reviewed/Revised:

Student Services

No CCLC Update – Legally required. Revised Mici 2-10-2021

BP 5800 PREVENTION OF IDENTITY THEFT IN STUDENT FINANCIAL TRANSACTIONS

References:

15 U.S. Code Section 1681m subdivision (e), Fair and Accurate Credit Transactions Act (FACT Act or FACTA) ~~15 U.S. Code Section 1681m(e)}~~

The District is required to provide for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft of students when the District serves as a creditor in relation to its students. When applicable, the Superintendent/President is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

Date Adopted: September 18, 2012

Date Reviewed/Revised:

Student Services

No CCLC Update – Legally Required. Minor edits and formatting cleaned up. Mici 2-10-2021

AP 5800 PREVENTION OF IDENTITY THEFT IN STUDENT FINANCIAL TRANSACTIONS**References:**

15 U.S. Code Section 1681m subdivision (e) (Fair and Accurate Credit Transactions Act (FACT Act or FACTA) ~~(15 U.S. Code Section 1681m(e))~~)

I. The Purpose of the Student Identity Theft Prevention Program

The purpose of this student Identity Theft Prevention Program (ITPP) is to control reasonably foreseeable risks to students from identity theft, by providing for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft.

II. Definitions

“Identity theft” is a fraud attempted or committed using identifying information of another person without authority.

A “creditor” includes government entities who defer payment for goods (for example, payment plans for bookstore accounts or parking tickets), issued loans, or issued student debit cards. Government entities that defer payment for services provided are not considered creditors for purposes of the ITPP.

“Deferring payments” refers to postponing payments to a future date and/or installment payments on fines or costs.

A “covered account” includes one that involves multiple payments or transactions.

“Person” means any individual who is receiving goods, receives a loan, and/or is issued a debit card from the District and is making payments on a deferred basis for said goods, loan, and/or debit card.

Detection or discovery of a “Red Flag” implicates the need to take action under this ITPP to help prevent, detect, and correct identity theft.

III. Detecting “Red Flags” for Potential Identity Theft**A. Risk Factors for Identifying “Red Flags”**

The District will consider the following factors in identifying relevant “Red Flags:”

- 1) the types of covered accounts the District offers or maintains;
- 2) the methods the District provides to open the District’s covered accounts;

- 3) the methods the District provides to access the District's covered accounts; and
- 4) the District's previous experience(s) with identity theft.

B. Sources of "Red Flags"

The District will continue to incorporate relevant "Red Flags" into this ITPP from the following sources:

- 1) incidents of identity theft that the District has experienced;
- 2) methods of identity theft that the District identifies that reflects changes in identity theft risks; and
- 3) guidance from the District's supervisors who identify changes in identity theft risks.

C. Categories of "Red Flags"

The following Red Flags have been identified for the District's covered accounts:

Alerts, Notifications, or Warnings from a Consumer Reporting Agency:

- 1) A fraud or active duty alert is included with a consumer report the District receives as part of a background check.
- 2) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- 3) A consumer reporting agency provides a notice of address discrepancy. An address discrepancy occurs when an address provided by a student substantially differs from the one the credit reporting agency has on file. See Section (V)(9) for specific steps that must be taken to address this situation.
- 4) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant, such as:
 - (a) A recent and significant increase in the volume of inquiries;
 - (b) An unusual number of recently established credit relationships;
 - (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
 - (d) An account that was closed for cause or identified for abuse of account privileges by a creditor or financial institution.

Suspicious Documents:

- 5) Documents provided for identification appear to have been forged or altered.
- 6) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
- 7) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- 8) Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check.
- 9) An application appears to have been altered or forged, or gives the appearance of having been destroyed or reassembled.

Suspicious Personal Identifying Information:

- 10) Personal identifying information provided is inconsistent when compared against external information sources used by the District. For example:
 - (a) The address does not match any address in the consumer report; or
 - (b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
- 11) Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.
- 12) Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources used by the District. For example:
 - (a) The address on an application is the same as the address provided on a fraudulent application;
 - (b) The phone number on an application is the same as the phone number provided on a fraudulent application;
- 13) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:
 - (a) The address on an application is fictitious, a mail drop, or a prison; or
 - (b) The phone number is invalid, or is associated with a pager or answering service.
- 14) The SSN provided is the same as that submitted by other persons currently being served by the District.
- 15) The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.
- 16) The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- 17) Personal identifying information provided is not consistent with personal identifying information that is on file with the District.
- 18) The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

Unusual Use of - or Suspicious Activity Relating to - A Covered Account:

- 19) A new covered account is used in a manner that is commonly associated with known patterns of fraud patterns. For example, a person makes a first payment, but there are no subsequent payments made.
- 20) A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example, there is:
 - (a) Nonpayment when there is no history of late or missed payments; or
 - (b) A material change in electronic fund transfer patterns in connection with a payment.
- 21) A covered account that has been inactive for a reasonably lengthy period of time is suddenly used or active.
- 22) Mail sent to the person holding the covered account is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the person's covered account.
- 23) The District is notified that the person is not receiving paper account statements.

- 24) The District is notified of unauthorized transactions in connection with a person's covered account.

Notices from Customers/Persons, Victims of Identity Theft, Law Enforcement Authorities, or Other Businesses About Possible Identity Theft in Connection with Covered Accounts:

- 25) The District is notified by a person with a covered account, a victim of identity theft, a law enforcement authority, or any other person, that it has opened a fraudulent account for a person engaged in identity theft.

IV. Measures to Detect "Red Flags"

The District shall do the following to aid in the detection of "Red Flags:"

- ~~A-~~ 1) When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two forms of identification shall be obtained (at least one of which must be a photo identification).

The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: valid state-issued driver's license, valid state-issued identification card, current passport, a Social Security Card, current residential lease, or copy of a deed to the person's home or invoice/statement for property taxes.

- ~~B-~~ 2) Persons with covered accounts who request a change in their personal information on file, such as a change of address, will have the requested changes verified by the District.

The person shall provide at least one written form of verification reflecting the requested changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

V. Preventing and Mitigating Identity Theft

One or more of the following measures, as deemed appropriate under the particular circumstances, shall be implemented to respond to "Red Flags" that are detected:

- ~~A-~~ 1) Monitor the covered account for evidence of identity theft;
- ~~B-~~ 2) Contact the person who holds the covered account;
- ~~C-~~ 3) Change any passwords, security codes, or other security devices that permit access to a covered account;
- ~~D-~~ 4) Reopen the covered account with a new account number;
- ~~E-~~ 5) Not open a new covered account for the person;
- ~~F-~~ 6) Close an existing covered account;
- ~~G-~~ 7) Not attempt to collect on a covered account or not sell a covered account to a debt collector;

- ~~H~~ 8) Notifying law enforcement;
- ~~I~~ 9) Where a consumer reporting agency provides an address for a consumer that substantially differs from the address that the consumer provided, the District shall take the necessary steps to form a reasonable belief that the District knows the identity of the person for whom the District obtained a credit report, and reconcile the address of the consumer with the credit reporting agency, if the District establishes a continuing relationship with the consumer , and regularly, and in the course of business, provides information to the credit reporting agency; or
- ~~J~~ 10) Determine that no response is warranted under the particular circumstances.

VI. Updating the ITPP

The District shall update this ITPP on an annual basis to reflect changes in risks to persons with covered accounts, and/or to reflect changes in risks to the safety and soundness of the District from identity theft, based on the following factors:

- ~~A~~ 1) The experiences of the District with identity theft;
- ~~B~~ 2) Changes in methods of identity theft;
- ~~C~~ 3) Changes in methods to detect, prevent and mitigate identity theft;
- ~~D~~ 4) Changes in the types of covered accounts that the District maintains;
- ~~E~~ 5) Changes in the business arrangements of the District, including service provider arrangements.

VII. Methods for Administering the ITPP

A. Oversight of the ITPP

Oversight by the District's Director of Fiscal Services shall include:

- 1) Assigning specific responsibility for the ITPP's implementation;
- 2) Reviewing reports prepared by the staff regarding compliance of the ITPP; and
- 3) Approving material changes to the ITPP as necessary to address changing identity theft risks.

B. Reports

- 1) In General. Staff responsible for the development, implementation, and administration of this ITPP shall report to the Board of Trustees on an annual basis.
- 2) Contents of Report. The report shall address material matters to the ITPP and evaluate the following issues: the effectiveness of the policies and procedures in addressing the risk of identity theft in connection with opening new covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the ITPP.
- 3) Oversight of Service Provider Arrangements. Whenever the District engages a service provider to perform an activity in connection with one or more covered accounts the District shall take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. To that end, the District shall require our service contractors, by contract, to have policies and procedures to detect relevant "Red Flags" that may arise in the performance of the service provider's activities, and either report the "Red Flags" to the District, or to take appropriate steps to prevent or mitigate identity theft.

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

Date Approved: August 21, 2012

Date Reviewed/Revised:

Business and Fiscal Affairs

Updated to make the procedure more robust around CEQA and environmental compliance (NOEs must be board approved at a public meeting rather than staff-level approval) - 1/21/2021 Mici

AP 6560 ENVIRONMENTAL RESPONSIBILITY**References:**

Title 5 Sections 57050-57055
California Environmental Quality Act

Practices implemented to conduct environmentally responsible instructional and operational programs will include at least the following:

Instructional and Operational Programs

The District will encourage and support programs and curricula that teach and acknowledge sustainable practices, and will develop and implement sustainable operational practices (e.g. recycling, sustainable design, water management, waste reduction, renewable energy).

California Environmental Quality Act (CEQA)

The District will comply with the legal guidelines and procedures of the California Environmental Quality Act (CEQA) when developing capital construction projects.

In furtherance of this objective and in the interest of conducting its obligations under CEQA with the greatest degree of transparency, all determinations and findings made pursuant to CEQA for all projects shall be made in the form of a resolution adopted by the governing board of trustees at a public meeting.

Leadership in Energy and Environmental Design (LEED)

The District will design and construct or renovate its facilities in keeping with criteria established by the U.S. Green Building Council as measured by the Leadership in Energy and Environmental Design (LEED) rating system, and will seek LEED certification whenever possible. Programs and practices designed to earn LEED credits will address:

- Erosion and sediment control (LEED-EB¹ Credit SS-PR 1)
- Waste reduction (LEED-EB MR credits)
- Low-impact site and green building exterior management (LEED-EB Credits SS 1.1 and 1.2)
- Mercury-containing light bulbs (LEED-EB Credit MR-PR 2 and MR-6)
- Sustainable purchasing (LEED-EB Credits MR-4.1-4.3)²
- Occupant recycling (LEED-EB Credit MR-5)

¹ EB = existing buildings; NC = new construction

²Including, but not limited to, a requirement to purchase ENERGY STAR certified products in all areas for which such ratings exist.

- Environmental tobacco smoke control (LEED-EB Credit EQ-PR 2, LEED-NC Credit EQ-PR 2, and Board Policy 3570)
- Low environmental impact cleaning (LEED-EB Credit EQ 10-3)
- Low environmental impact (integrated) pest management (LEED-EB Credit EQ 10.4/5 and Board Policy 6570)

Transportation Demand Management

The District will encourage its faculty, staff, and students to reduce dependence on single occupant, petroleum-driven vehicles. Programs and practices will address:

- Construction, operation and maintenance of parking facilities (lots and structures);
- Preferred parking programs (e.g., carpools, vanpools, and alternative fuel vehicles); and
- Pedestrian, bicycle, and public transit options.

Date Approved: December 9, 2008

*(This replaces current College of Marin Procedure
8.0024 DP.1)*

Date Revised:

Human Resources

CCLC Update 30 - Legally required update to conform with statutory language.

Revised by Mici B. on 10/26/2020

To Nikki H. on 10/28/2020, no changes

AP 7336 CERTIFICATION OF FREEDOM FROM TUBERCULOSIS

References:

Education Code Section 87408.6;

Business and Professions Code Sections 2000 et seq.

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has ~~submitted to an examination~~ within the ~~last~~ sixty (60) days submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, an examination to determine that he/she/they is free of active tuberculosis, by a physician and surgeon licensed under the Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

The Chief Human Resources Officer may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative, ~~or were not tested because of a lack of risk factors,~~ are required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, examination that is at least ~~once~~ every four years upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing tuberculosis risk assessment and examinations shall no longer be required and referral shall be made within thirty (30) days of completion of the examination to the local health officer to determine the need for follow up care.

~~If risk factors were present at the tuberculosis risk assessment and an examination occurs, after~~ After the examination, ~~each an~~ employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he/she/they adheres to the faith or teachings of any well-recognized religious sect, denomination, or

organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his/her/~~their~~ knowledge and belief he/she/~~they~~ is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he/she/~~they~~ may be excluded from service until the Chief Human Resources Officer is satisfied that he/she/~~they~~ is not so afflicted.

A person who transfers his/her employment from another school or community college district shall be deemed to meet the requirements of this procedure if the person can produce a certificate that shows that he/she ~~was examined~~ within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him or her that it has a certificate on file that contains that showing.

A person who transfers his/her/~~their~~ employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Section 121525 of the Health and Safety Code that shows that he/she/~~they was examined~~ within the ~~past~~last four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/her/~~them~~ that it has the certificate on file.

Office of Primary Responsibility: Human Resources

Date Approved: April 19, 2011

Reviewed/Revised: