

Policy and Procedure Notes

5-6-2021

Title IX BP/APs:

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

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

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

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

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

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

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

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

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

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

Other BP/APs:

[AP 4105 Distance Education](#) - CCLC Update #35 – This procedure is legally required in an effort to show good faith compliance with the applicable Federal Regulations if the District offers distance education or correspondence education.

[AP 4231 Grade Changes](#) – Changes initiated by participatory governance as part of regular review.

[AP 6530 District Vehicles](#) - CCLC 36 legally advised update. Formatted, reorganized to conform/align with the model CCLC.

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

[BP 6570 Integrated Pest Management](#) - No CCLC update. Regular review with Board feedback from April 13, 2021 added to policy. If approved, will be before Board on May 11, 2021 for second read and approval action.

[AP 7211 Faculty Service Areas, Minimum Qualifications, and Equivalencies](#) - CCLC 35 legally required update revises language related to awarding equivalency for faculty teaching in vocational disciplines.

[AP 7600 District Police](#) - CCLC 36 legally advised update to revise a citation, include a requirement that Campus Security Officers complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and update the fingerprint requirements for Campus Security Officers. In addition, Use of Force Guidelines* were created for those districts with police departments to comply with SB 230's requirement that law enforcement agencies have a use of force policy no later than January 1, 2021. These Use of Force Guidelines are best codified in the District Police Dept. Handbook or Protocols.

[BP 7510 Domestic Partners](#) - CCLC 36 References updated.

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

Status Update

Title IX Updates for May College Council Approval and Board of Trustees First Read:

BP 3410 Nondiscrimination
AP 3410 Nondiscrimination
BP 3430 Prohibition of Harassment
AP 3430 Prohibition of Harassment
BP 3433 Prohibition of Sexual Harassment under Title IX (NEW)
AP 3433 Prohibition of Sexual Harassment under Title IX (NEW)
BP 3540 Sexual and Other Assaults on Campus
AP 3540 Sexual and Other Assaults on Campus

Under Review

AP 3435 Discrimination and Harassment Complaints and Investigations - Administrative review
BP/AP 5010 Admissions – Administrative review
AP 5015 Residence Determination – Administrative review complete, to Academic Senate
AP 5017 Responding to Inquiries of Immigration Status – Administrative review complete, to Academic Senate
AP 5040 Student Records and Directory Information – Ready for Academic Senate, governance review.
BP/AP 5050 Student Success and Support - Administrative review complete, to Academic Senate
BP/AP 5130 Financial Aid - Administrative review complete, to Academic Senate
BP 5500 Standards of Student Conduct – Administrative review
AP 3434 Responding to Harassment Based on Sex under Title IX – Administrative review
AP 3435 Discrimination and Harassment Investigations NEW – Administrative review
AP 5520 Student Discipline and Due Process – Administrative review
AP 5530 Student Grievances – Administrative review

General Institution

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

BP 3410 NONDISCRIMINATION**References:**

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

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

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

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

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

Also see: AP 3410 Nondiscrimination

Date Adopted: July 27, 2010

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

Date Reviewed/Revised:

DRAFT

General Institution

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

AP 3410 NONDISCRIMINATION**References:**

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

Education Programs

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

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

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

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

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

Employment

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

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

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

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

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

Office of Primary Responsibility: Human Resources

Date Approved: June 22, 2010

Date Revised: January 15, 2013

Date Revised: September 15, 2015

Date Revised: November 13, 2018

Date Revised:

General Institution

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

BP 3420 EQUAL EMPLOYMENT OPPORTUNITY**References:**

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

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

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

Date Adopted: August 18, 2012

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

Date Revised: April 16, 2019

Date Reviewed:

General Institution

CCLC Update 37 – Legally Required. Update to delete a legal reference, correct a typographical error, and clarify the complaint procedure. Revised 1/8/2021 Mici
Human Resources – Nikki Harris 3/4/2021

AP 3420 EQUAL EMPLOYMENT OPPORTUNITY**References:**

Education Code Sections 87100 et seq.;
Title 5 Sections 51010, 53000 et seq., and 593200 et seq.
ACCJC Accreditation Standard III.A.12

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

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

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

- The Plan shall be a public record.

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

Annual Evaluation

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

EEO Advisory Committee

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

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

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

- To advise the Superintendent/President regarding special training or staff development needs;
- Review the plan and monitor its progress;
- Recommend changes needed in the plan; and
- Review and approve the annual written report to the Superintendent/President, the Governing Board, and the state Chancellor's Office.

Employment Procedures

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

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

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

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

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

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

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

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

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

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

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

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

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

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

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

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

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

Delegation of Authority

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

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

- ~~• The designation of a single person as the "EEO Officer" charged with overseeing the day-to-day implementation of the EEO Plan and programs~~
- ~~• Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint~~

Complaint Procedure

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

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

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

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

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

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

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

When the investigation is done, the results must be set forth in a written report. The written report must include a description of the circumstances giving rise to the complaint, a summary of the testimony of

~~each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.~~

~~In any case that does not involve employment discrimination, the District must provide the Chancellor with a copy of the investigative report within 90 days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The Chancellor and the complainant must also be provided with a written notice setting forth the determination of the Chief Human Resource Officer as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the Board of Trustees and the state Chancellor's Office.~~

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

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

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

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

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

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

Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex or gender, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

Dissemination and Revision of the Plan

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

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

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

Accountability and Corrective Action

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

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

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

Office of Primary Responsibility: Human Resources

Date Approved: March 19, 2013

Date Revised:

General Institution

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

Human Resources – Nikki Harris 3/4/2021

BP 3430 PROHIBITION OF HARASSMENT**References:**

Education Code Sections 212.5, 44100, 66252, and 66281.5;
Government Code Sections 12923, 12940 and 12950.1;
Civil Code Section 51.9;
Title 2 Sections 10500 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;
Age Discrimination in Employment Act of 1967 (ADEA);
Americans with Disabilities Act of 1990 (ADA)

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

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

Any student, employee, unpaid intern, or volunteer who believes that he /she/they ~~or she~~ has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint

Procedures. The District requires sSupervisors ~~are mandated~~ to report all incidents of harassment and retaliation that come to their attention.

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

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

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

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

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

Date Adopted: December 9, 2008

(Replaces current College of Marin Policy 5.0004)

Date Revised: February 26, 2013

Date Revised: October 20, 2015

Date Revised:

General Institution

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

Revisions 1/8/2021 Mici.

Human Resources – Nikki Harris 3/4/2021

AP 3430 PROHIBITION OF HARASSMENT**References:**

Education Code Sections 212.5, 44100, and 66281.5;

Government Code 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 ~~or her~~ ability to participate in or realize the intended benefits of an institutional activity, employment, or resource.

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

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

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

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

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

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

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

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

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

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

This definition encompasses two kinds of sexual harassment:

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

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

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

Consensual Relationships

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

or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom

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

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

Date Approved: November 6, 2008

Date Revised: January 15, 2013

Date Revised: September 15, 2015 ~~NOT~~

Date Revised:

General Institution

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

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

Title IX of the Education Amendments Act of 1972;
34 Code of Federal Regulations Part 106

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

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

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

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

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

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

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

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

Date Adopted:

General Institution

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

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

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

Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

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

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

Definitions

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

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

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

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

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

Date Adopted:

General Institution

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

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

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

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

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

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

Also see Administrative Procedure 3540 Sexual and Other Assaults on Campus

Date Adopted: May 17, 2011

(Replaces College of Marin Policy 7.0054)

Date Revised: October 20, 2015

Date Reviewed/Revised:

General Institution

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other student services for victims;
- Written notification to victims about options for, and available assistance in changing academic, living, transportation, and working situations, if requested, and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus policy or local law enforcement.
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to

- conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
- Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occur prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the domestic violence, dating violence, sex offense, sexual assault, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

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

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

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

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

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

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

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

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

~~Human Resources — Title IX~~

~~Vice President, Student Services — Student~~

Date Approved: April 19, 2011

Date Revised: March 3, 2012

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

Date Revised:

Academic Affairs

Reviewed/revised by C Torres, K Smyth, S Lince and DEC 9/10/2019

Revisions due to changes in title 5 regarding Distance Education effective 3/17/ 2019

Unknown editor and date changes.

CCLC Update #35 – This procedure is legally required in an effort to show good faith compliance with the applicable Federal Regulations if the District offers distance education or correspondence education. The Federal Regulations require districts to have processes in place to ensure that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives academic credit. A district will meet this requirement if it follows the language below. Note that the Federal Regulations do not require districts to charge students fees associated with the verification of the student's identify. However, any district that does charge a fee, must notify the student in writing of the estimated amount of those fees in addition to a statement of the processes used to protect the student's privacy. Mici revised and sent to Jon/Meg 10/15/2020 - returned for integration of 2019 changes.

Back to Academic Senate 3-26-2021

Academic Senate approved 4-22-2021

AP 4105 DISTANCE EDUCATION**References:**

Title 5 Sections 53200, 55200 et seq.;
34 CFR Section 602.17;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;
42 U.S. Code Sections 12100 et seq.;
29 U.S. Code Section 794d;
ACCJC Accreditation Standard II.A.1.

Per Title 5 Section 55200, distance education means instruction in which the instructor and student are separated by **time or** distance and interact through the assistance of **communication** technology. All distance education is subject to the general requirements under Title 5 as well as the specific requirements of articles 55200 and 55204. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the American with Disabilities Act (42 U.S.C. Section 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794d).

The U.S. Department of Education defines distance education as education that uses one or more technologies [outlined in paragraph (1) through (4) of the definition] to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. (Title 34 Subtitle B, Chapter IV Part 600 Subpart A section 600.2)

College of Marin offers Distance Education courses via two delivery modes: online and hybrid:

- 1) Online: a course in which 100% of instruction takes place ~~entirely~~ online with no mandatory ~~in-person face-to-face~~ meetings. ~~., synchronous visits, and/or campus visits. Instructional time follows the Carnegie unit, which means that faculty must plan an approximate one to two ratio of instructional time to homework and study.~~
- 2) Hybrid: a course that provides instruction both online and ~~in-person face-to-face~~ with at least one mandatory on-campus meeting. Mandatory meetings are regularly scheduled and the dates are posted in the schedule of classes. ~~Students are informed of mandatory meetings in the schedule of classes. Instructional time follows the Carnegie unit, which means that faculty must plan an approximate one to two ratio of instructional time to homework and study.~~

Course Approval

Each new proposed or existing course offered by distance education shall be reviewed and approved separately. Separate approval is mandatory if any portion of the instruction in a course or a course section is designed to be provided through distance education.

The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in AP 4020 titled Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses.

Each new proposed or existing distance education course ~~offered by distance education~~ shall be reviewed and approved separately by the District Education Committee (DEC). Separate course outlines are required for each on-line or hybrid version of a course. Each course outline must include the Distance Education addendum of the Course Outline of Record (COR) template.

If any portion of the instruction in a new proposed or existing course ~~or course section~~ is designed to be provided through distance education ~~in lieu of face to face interaction between instructor and student,~~ an addendum to the official course outline of record shall be required. In addition to addressing how course outcomes will be achieved in a distance education mode, the addendum shall at a minimum specify how the portion of instruction delivered via distance education meets:

- (a) Regular and effective contact between instructors and students and among students as referenced in in title 5, section 55204(a), and
- (b) Requirements of the Americans with Disabilities Act (42U.S.C. § 12100 ets eg.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 749d)

The addendum ~~the course~~ shall be separately ~~reviewed and~~ approved according to the district's adopted ~~course curriculum~~ approval procedures. (5 CCR Section 55206).

Course content must be fully developed and reviewed prior to scheduling. The course will be submitted to the Distance Education Committee for formal review using the Peer Online Course Review (POCR) process applying the CVC-OEI Course Design Rubric.

Distance Education Faculty Certification

When approving distance education courses, the Distance Education Committee will certify the following:

- Course Quality Standards: The same standards of course quality are applied to the distance education courses as are applied to ~~traditional in-person classes~~ ~~esroom courses~~.

- Course Quality Determinations: Determinations and judgments about the quality of the distance education course were made with the full involvement of the Distance Education Committee and Curriculum Committee's approval procedures.

Duration of Approval: All distance education courses approved under this procedure will continue to be in effect unless there are substantive changes of the course outline.

Faculty Training:

Per Title 5 Section 55208 Instructors of distance education shall be prepared to teach in a distance education delivery method consistent with local district education policies and negotiated agreements.

Before a distance education course is assigned, faculty must ~~earn a certificate of completion in the Online Education Standards and Practices (OESP) course through the @One Project sponsored by the California Community College Chancellor's Office Telecommunication and Technology Infrastructure Program.~~ complete training in online standards and best practices and the OEI rubric either through course work provided by the CCC @One Online Network of Educators or equivalent professional development.

The cost of the ~~course~~ training will be ~~reimbursed~~ paid from ~~by~~ the Distance Education budget.

Whether teaching hybrid and/or online courses, faculty must demonstrate proficiency in the technical and pedagogical aspects of such courses using the approved District Learning Management System (LMS) before being assigned to teach such a course. Prior to the launch of the course, faculty are required to meet at intervals with the Distance Education Coordinator and Instructional Technologist to review their curricular plan, receive appropriate training on course design, and review their final course product.

Waivers and Evidence of Equivalency

Faculty who have completed equivalent professional development in online pedagogy and teaching best practices at an accredited institution within the past three years may be exempt from the required faculty certification. Faculty will need to arrange a meeting with the Distance Education Coordinator and Instructional ~~Technologist~~ Designer to present an example of an on-line a course they have developed, and show evidence of professional development and on-line teaching experience.

Instructor Contact

Each section of the course that is delivered through distance education will include regular effective contact between instructor and students, ~~as well as among students, either synchronously or asynchronously.~~

Addendum to Course Outline: An addendum to the official course outline of record shall be made if any portion of the instruction of a new or existing course is provided through distance education. The addendum must be approved according to the District's curriculum approval procedures. The addendum **must** address the following:

- How course outcomes will be achieved in a distance education mode;

- How the portion of instruction delivered via distance education provides regular and effective contact between instructors and students; and
- How the portion of instruction delivered via distance education meets the requirements of the Americans with Disabilities Act (ADA) and Section 508 of the Rehabilitation Act of 1973.

Title 5 sections 55204 and 53200 require “regular and effective contact” in all distance education courses. Federal regulations require not only regular and effective contact, but also “substantive” interaction between the students and instructor. Each course or portion of a course delivered through distance education will demonstrate instructor-to-student(s), student-to-student, and student-to-content interactions.

Best practices for Establishing Regular, Effective, and Substantive faculty-initiated contact:

- Specify course policy in the syllabus regarding frequency and timeliness of all contact initiated by the professor.
- Provide response time in syllabus for student questions and assignment feedback (e.g. 24 - 48 hours)
- Explain course policy regarding student-initiated contact (where to post questions, assignments, etc.) in the syllabus
- Clarify important dates, such as assignment and assessment deadlines, not only in the beginning but also throughout the course

Best Practices for Ensuring Ongoing Regular and Effective Contact:

- Assign and monitor weekly assignments and projects that promote collaboration among students
- Pose questions in the discussion boards that encourage critical thinking skills and promote interaction among all course participants
- Participate regularly in discussion activities with students and ensure that discussions remain on topic
- Monitor student engagement to ensure that students participate with depth
- Include means for varied types of interaction in the course design
- Maintain an active presence in discussion boards, chat rooms, and other interactive forums
- Give frequent and substantive feedback throughout the course

Methods of Establishing Regular and Effective Contact

- Course announcements (e.g., videos, weekly summary, weekly review, textbook readings)
- Personalized feedback on assignments
- Interactive discussion boards (e.g., question and answer forums)
- Videoconferencing (e.g., Skype, [ConferZoom](#), ~~CCC Confer~~)
- Collaborative projects (e.g., group blogs, group discussions, wikis)
- Instructor-created lessons and documents
- Instructor-created modules or lectures (e.g., recordings, streaming videos, slides with audio narration, podcasts, webinars, screencasts)
- Emails, private messaging, and chat sessions

Accessibility Compliance

All distance education is subject to the requirements of Title 5 as well as the requirements ~~imposed by~~ [of](#) the Americans with Disabilities Act (42 U.S. Code Sections 12100 et seq.) and Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S. Code Section 794d). Distance Education courses will be

reviewed by Student Accessibility Services (SAS) to determine ADA compliance. The College's Assistive Technology Specialist and Instructional Technologists Designer will assist faculty in meeting ADA compliance obligations when needed. Faculty must engage in relevant training from the College to ensure that they understand accessibility as it relates to instruction and curriculum. Likewise, any material or technology in support of any instructional activity must be vetted for accessibility compliance by a designated campus authority.

The term "accessible" means that a person with a disability is given the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and integrated manner, with equivalent ease of use (Office of Civil Rights (OCR), 2011).

Distance education courses must closely mirror current compliance requirements or as ADA has been interpreted by ongoing litigation and/or OCR Letters-of-Instruction. That is, distance education courses must be developed with an interface, design, and content that facilitates equitable access to all material or experiences either through industry standard assistive computer technology or any other accommodation. Additionally, instructional materials should closely align with emerging Universal Design best practices.

All course content delivered via distance education must be accessible to all persons including those with disabilities.

All activities and instructional media shall be accessible, including:

- Accurately captioned videos
- Transcribed audio files
- All objects (including images, formulas, tables and charts) have meaningful alternative text
- Readable course materials and html pages using effective font, color contrast, and spacing
- Meaningful hyperlinked text
- Documents that are accessible and reflect best practice standards (e.g. including the use of headers, alt text, a readable font, document tags, OCR etc.)
- Provision of an ADA statement and contact information for Student Accessibility Services in the course syllabus.

Accessibility also applies to websites, software, and other required course materials not contained within the District Learning Management System (LMS).

FERPA Compliance and LMS Course Merging

Faculty may merge their courses in the District Learning Management System (LMS) to save time distributing the same course content to students across multiple course sections. However, due to the Family Educational Rights and Privacy Act (FERPA) regulations, students can only have access to other students' information in the course in which they are enrolled. This means, students may not interact in the LMS with students from another course section.

To comply with FERPA when distributing course content in merged courses, Faculty must restrict students' ability to view and interact with other students in another course section. Recommendations for meeting FERPA guidelines in the LMS and a Merged Course Request Form are available on the Online

Learning website.

Enrollment, Attendance, and Participation in Distance Learning Courses

Students will register and enroll in distance learning courses in the same manner as traditional courses. All distance education courses follow College of Marin's attendance and drop policies (AP 5070 and AP 5075). Pursuant to Title 5 Section 58004, instructors shall clear their rolls of inactive students not later than the end of the last business day before the census day for all students. Students who are dropped by instructors after 30% of the term will receive a "W."

The U.S. Department of Education views attendance in an online class as active engagement, such as writing in discussion forums, submitting assignments, taking quizzes and/or exams, or other interactive class activities. Due to the potential for financial aid fraud in online programs, the U.S Department of Education has determined that there should be "regular and substantive interaction between students and faculty" in online courses. Hence, the "Last Day of Attendance" counted in the online classroom is the last day of class participation by the student.

Based on the aforementioned guidelines, the instructor should determine the last day of attendance participation for students via the following methods:

- 1) Prior to the first census date, the instructor will initiate activities that require student participation.
- 2) The instructor will include various robust assessments and assignments on a frequent basis throughout the semester.

Participation and drop policies must be clarified in the online syllabus and align with the College's policies.

Scheduling of Distance Education Courses

Area deans (in collaboration with department chairs) determine and approve faculty assignments for all courses, including distance education sections. Faculty will be assigned to teach distance education courses after completing the aforementioned certification process and meeting state and federal requirements.

Faculty Office Hours

For office hour obligations, faculty must refer to the UPM contract.

Student Authentication

Consistent with federal regulations pertaining to federal financial aid eligibility, the District must authenticate or verify that the student who registers in a distance education or correspondence education course is the same student who participates in and completes the course or program and receives the academic credit. The District will provide to each student at the time of registration, a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any.

The Chief Instructional Officer shall utilize one or more of these methods to authenticate or verify the student's identity:

- Secure credentialing/login and password;
- Proctored examination; or
- new or other technologies and practices that are effective in verifying student identification

The District utilizes a Learning Management System (LMS) whereby students must authenticate their identity. In order to access the LMS, students must log into the MyCOM Portal with their College of Marin-issued student user name and password.

The Chief Instructional Officer shall provide a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any, to each student at the time of registration.

Test Proctoring

Some distance education courses may require that exams be taken in a proctored setting [or through an online proctoring service \(e.g. Proctorio\)](#). ~~and~~ Faculty will clearly communicate in their syllabus if there are any proctoring requirements for the course.

Distance Education Support Services

The District provides online assistance in the following areas:

- Learning Management System (LMS) technical support through an on-line help center
- Online writing assistance through the Online Writing Center (OWC)
- Research assistance through the Library's "Ask a Librarian" service
- Tutoring appointments through the Teaching and Learning Center
- Counseling services through "Ask a Counselor"

The Assessment and Testing Center provides proctored exams with an instructor's approval. Specific instructions about taking an exam in the Assessment and Testing Center can be found on the Assessment and Testing Center's Webpage.

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

Date Approved: June 28, 2011

Revised: June 19, 2012; May 1, 2014; September 20, 2016; March 13, 2018

Reviewed/Revised:

Academic Affairs

Updates by General Counsel and UPM President – 12/10/2020

ASC Revisions - 02/09/2021

ASC Revisions - 02/11/2021

Mici revisions 3-17-2021

AP 4231 GRADE CHANGES**References:**

Education Code Section 76224;
Title 5 Section 55025

I. Final Grade Changes by Instructors

The instructor of the course shall determine the grade to be awarded to each student. Instructors may choose to change a student's grade by submitting a Grade Change Form to Enrollment Services stating the reason for the change. No grade change will be made more than two years after the final grade was issued.

II. Final Grade Dispute**A. Scope of Review**

This procedure applies to student challenges of final course grades only.

B. Standard Burden of Proof

The determination of the student's grade by the instructor is final in the absence of mistake, fraud, bad faith, or incompetency. Students may obtain a change to a final course grade without the instructor's agreement only when the student can provide proof that the final course grade reflects mistake, fraud, bad faith, or incompetency.

1. "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student's grade and clerical errors.
2. "Fraud" may include, but is not limited to, intentional inaccurate recording or the change of a grade by any person who gains access to grade records without authorization.
3. "Bad Faith" exists where there is fraud or the conscious doing of a wrong with a dishonest or interested motive. Bad Faith is not simply bad judgement, or judgment that others may view as harsh.
4. "Incompetency" is the unintentional dereliction of one's duties resulting in gross negligence.

Without such proof, only the instructor who assigned the final grade can choose to change that final grade. No individual or group, whether acting on a grievance or in some other manner, has the authority to change a grade determined by an instructor unless persuasive evidence is presented by the student in accordance with the provisions as outlined in the law and this procedure. Accordingly, in determining whether to initiate a grievance involving grades, students should consider whether they believe there will be persuasive evidence of mistake, fraud, bad faith, or incompetency. Students may seek resolution of

their dispute as outlined below. Students must initiate the dispute within two years of the final grade being submitted to Enrollment Services.

The removal or change of an incorrect grade from a student's record shall only be done pursuant to this process.

~~Provisions shall be made to allow another faculty member to substitute for the instructor if the student has filed a discrimination complaint, if the instructor is not available, or where the District determines that it is possible that there may have been gross misconduct by the original instructor.~~

III. Final Grade Dispute Procedure - Step 1: Meeting with Instructor

- A. The student shall attempt to resolve the dispute informally by meeting with the instructor who issued the final course grade in dispute, or another faculty member serving as a substitute pursuant to this Administrative Procedure ~~(only if the instructor is on sabbatical or other leave)~~. The intent of Step 1 of this Grade Dispute Procedure is to strongly encourage and support all possible attempts to resolve the dispute with the instructor.
- B. Meeting with the instructor of record is only excused when the student has filed a discrimination complaint that alleges the grade was affected by improper discrimination (including harassment) or retaliation for filing a discrimination complaint under the District's nondiscrimination process, if the instructor is not available (fails to respond after two attempts within a two week period), or when the student reports gross misconduct by the instructor and the District determines that it is possible that gross misconduct occurred. In these cases, the student may contact the area dean to request a meeting with a substitute instructor (see section IV.C).
- C. Students can direct additional questions related to this process to the Dean of Enrollment Services and depending upon the student's questions, the student may be referred to the ~~Senior~~ Vice President of Student Learning and Success & Student Services (SVPSLS) for further assistance.
- AD. The student shall obtain and be responsible for completing the Final Grade Dispute Petition. The Petition shall include the following information:
 - 1. A clear and concise statement of the dispute that must include details of the specific nature of the alleged mistake, fraud, bad faith, or incompetency.
 - 2. The name of the instructor, course title, course record number, and semester of the class for which the grade is being disputed.
 - 3. Identification of the resolution, corrective action, or remedy being sought.
 - 4. Detailed summary of the actions already taken to resolve the issue, including dates and times for meetings as recorded on the Final Grade Dispute Petition.
 - 5. Copies of all documents, assignments, or related materials indicating evidence of the alleged mistake, fraud, bad faith, or incompetency.
- ~~BE. Unless this procedure excuses an initial meeting with the instructor, t~~he student shall present the Final Grade Dispute Petition to the instructor of record for the class in question (or substitute) within two years of the final grade being submitted. The instructor (or substitute) has ten (10) business days to respond to and meet with the student after being contacted by the student only when classes are

in session during the fall and spring semesters. It is the student's responsibility to obtain the instructor's signature and date of the meeting, where indicated, on the Final Grade Dispute Petition.

F. A substitute shall meet with the instructor of record, when available, and review the Final Grade Dispute Petition and all relevant documentation prior to making a recommendation on the Petition. The substitute will notify the area dean of the substitute's recommendation of whether the grade should be changed. However, the substitute does not have the authority to change the grade. The area dean, and, if the petition proceeds to Step 3, the committee, will consider the substitute's recommendation. If the petition proceeds to Step 3, and the committee chooses to meet with the parties, the committee shall meet with the substitute instructor. The committee may choose to meet with the instructor of record as well.

IV. Final Grade Dispute Procedure—Step 2: Petition Review by Area Dean

- A. If the student has not resolved his/her/their dispute with the instructor, the student may present his/her/their Final Grade Dispute Petition to the area dean. The area dean has ten (10) business days to respond to and meet with the student after being contacted by the student. It is the student's responsibility to obtain the area dean's signature and date of the meeting, where indicated, on the Final Grade Dispute Petition.
- B. Deans will review the Formal Grade Dispute however, deans do not have the authority to change the grade that was issued by the instructor. Rather, the dean's role is to hear the dispute as presented by the student and the instructor in order to determine whether there is sufficient, reliable evidence to warrant a formal hearing.
 - 1. The area dean will meet with the student and with the instructor (when applicable, the substitute instructor) separately and will then review all relevant documents related to the dispute.
 - 2. Within five (5) business days, beginning with the first business day after the area dean's consultation with the instructor, ~~he or she~~ he/she/they shall determine whether the evidence is sufficiently reliable and material to the claim to warrant further inquiry, and provide the required notice, below.
 - a. If the area dean determines that the evidence presents a reasonable possibility that the disputed final course grade is the result of mistake, fraud, bad faith, or incompetency, the dean will notify the student by email that ~~he or she~~ he/she/they may pursue Step 3 of the Final Grade Dispute Procedure outlined in Section III and on the Final Grade Dispute Petition. The notice will remind the student that ~~he or she~~ he/she/they has five (5) business days from the date of this notice to submit a request for a formal hearing with the College Petition Committee which convenes to hear student appeals only when classes are in session during the fall and spring semesters.
 - b. If the area dean determines that there is insufficient evidence of mistake, fraud, bad faith, or incompetency to warrant further inquiry, the instructor's decision is final and the Final Grade Dispute Procedure will end at step 2. The area dean will inform the student, instructor, and department chairperson in writing of the finality of the instructor's grade decision.

- C. In cases where the instructor of record for the class in question is on sabbatical or other leave, every effort shall be made by the area dean to contact the instructor. If after two attempts within a two-week period, the instructor is still unavailable, the area dean, in consultation with the department chair must appoint another faculty member with the equivalent expertise to act on the instructor's behalf as specified in Title 5 Section 55025. In the event there is no other faculty member with the equivalent expertise, the area dean must seek an outside consultant with the required expertise in the subject area. Additional extended time may be required. The dean will follow the same process to appoint another faculty member to substitute for the instructor if the student has filed a discrimination complaint or where the District determines that it is possible that there may have been gross misconduct by the original instructor.
- D. If the student fails to meet any of the deadlines described above in subdivisions A, or B, or C, without good cause or prior permission of the area dean, the student is deemed to have waived any challenge to the grade and the final grade issued by the instructor stands.

V. Final Grade Dispute Procedure – Step 3: Formal Hearing

A. Maintenance of Records:

All documentation from Steps 1, 2, and 3 of the Final Grade Dispute Procedures will be maintained in Enrollment Services to preserve the confidentiality of all records related to the process.

B. Request for Hearing:

The student has five (5) business days, after receiving notice from the area dean that ~~he or she~~ he/she/they may pursue the Formal Grade Dispute Procedure, to ~~continue the process request a hearing.~~ The student continues the process by completing a Request for Hearing Form and submitting it to the area dean. The dean shall forward the Request for Hearing to the College Petitions Committee, along with a summary that clearly states ~~his or her~~ his/her/their basis or bases for concluding that there is sufficient, reliable evidence of mistake, fraud, bad faith and/or incompetencey to warrant a hearing.

C. The College Petitions Committee

Formal grade dispute hearings are heard by the College Petitions Committee, which recommends a decision to the Superintendent/President. The College Petitions Committee is comprised of the Dean of Enrollment Services, four (4) faculty, and one (1) Enrollment Services Classified staff. The College Petitions Committee convenes to hear student appeals only when classes are in session during the fall and spring semesters.

The student or instructor of record (where applicable, substitute instructor) may challenge the composition of the College Petitions Committee only on the basis that a member has a conflict of interest. Any such challenge must be presented to the Office of the Superintendent/President in writing. If the Superintendent/President determines that a member has a conflict of interest, the Superintendent/President will excuse that member from the case and have a different member assigned.

For the purposes of this Procedure, a conflict of interest exists where a committee member has any of the following interests in relation to the student or instructor involved in the dispute:

1. Spouse or domestic partner;
2. Close relative (parent, grandparent, child, grandchild, sibling, aunt, uncle, niece, nephew, or cousin);
3. A financial interest in the income of the student or instructor;
4. The member advocated on behalf of and/or assisted the student or instructor in the informal process;
5. The member has a bias for or against the student or instructor that precludes a neutral review of the evidence;
6. A reasonable person is likely to perceive that the member has a conflict of interest as described in subsections 1-5.

D. Forwarding the Record

Upon receipt of the request for a hearing from the student, the area dean shall forward the request to the College Petitions Committee, along with the Final Grade Dispute Petition and all evidence relied upon by the area dean to conclude that there was sufficient evidence to authorize a formal appeal.

VI. Formal Hearing Procedure

The formal hearing is intended to resolve the dispute based on the merits and facts of the case. The hearing is not a legal proceeding and will be closed to the public.

- A. Within fifteen (15) business days of receiving the Final Grade Dispute Petition with all supporting documents from the student and the area dean, the College Petitions Committee will convene to review and evaluate all submitted documents.
- B. The Committee may make a determination based on the documentary evidence without interviewing the parties to the dispute. However, when necessary, the area dean, the student, and the instructor of record (where applicable, the substitute instructor), or another faculty member, if the instructor is on sabbatical or other leave, may be asked to participate in the hearing process. Further, a request by the student or the instructor (where applicable, substitute instructor) to address the Committee shall be granted. A request for UPM representation shall be granted to any instructor who participates in the hearing process.
- C. If the Committee concludes that additional information is needed from the instructor, the Dean of Enrollment Services will make a request within five (5) business days to the area dean to:
 1. Obtain and provide additional information from the instructor and provide a copy of that request to the College Petitions Committee. The instructor will then have five (5) business days from receipt of the area dean's request to respond.

2. Notify the College Petitions Committee and student by email that additional information has been requested from the instructor and the specified timeline to resolve the petition requires an extension.
 3. Request the [SVPSLSS](#) obtain the requested information from the instructor within five (5) business days, if the instructor has not responded to the initial request.
 4. If the instructor still has not responded to the [SVPSLSS](#) request, the [SVPSLSS](#) will report the situation back to the College Petitions Committee. The Committee will make a determination, based on the available evidence, whether to uphold the grade or recommend a grade change to the Superintendent/President. Where there is insufficient evidence due to willful refusal by the instructor to produce requested information, the College Petitions Committee may make appropriate inferences from that conduct. However, the mere refusal to cooperate is not a sufficient basis on which to recommend a grade change.
- D. When additional information is needed from the student, the College Petitions Committee will notify the student by email of the documents needed and the student will have five (5) business days from receipt of the notice to respond. A failure to respond without good cause will be deemed a withdrawal of the grade challenge.
- E. If the student fails to meet any of the deadlines described above, in the formal hearing process, without good cause as determined by the College Petitions Committee, the student is deemed to have waived any challenge to the grade and the final grade issued by the instructor stands.

Upon conclusion of the formal hearing, the College Petitions Committee shall make a decision to uphold the final grade, or make a recommendation to the Superintendent/President to change the final grade. A recommendation to change the final grade must be based on a preponderance of specific and credible evidence that the grade was the result of mistake, fraud, bad faith and/or incompetency.

1. If the College Petitions Committee decides to uphold the final grade, the College Petitions Committee will have ten (10) business days to inform the student in writing of their decision. The decision of the College Petitions Committee is final and will represent the final stage of due process.
2. If the College Petitions Committee decision is to recommend a change in the final grade, within ten (10) business days of making that decision, the College Petitions Committee will provide a comprehensive summary of the proceedings to the Superintendent/President who will make the final decision within ten (10) business days of receipt of the Committee's recommendation. The comprehensive summary must state the basis or bases for the recommendation and point to the specific evidence relied on to conclude that the grade was the result of mistake, fraud, bad faith and/or incompetency.

VII. Final Grade Dispute Procedure – Step 4: Review of Recommendation by Superintendent/President

- A. In reviewing the recommendation of the Committee, the Superintendent/President shall determine whether the recommendation was reasonable based on the evidence.
- B. If the Superintendent/President's decision is to adopt the recommendation of the College Petitions Committee to change the grade, then he/she shall give written notice of the change to the §VPSLSS, the area dean, the College Petitions Committee, the student and the instructor. The notice must state the basis or bases for the decision and point to the specific evidence relied on to conclude that the grade was the result of mistake, fraud, bad faith and/or incompetency. The Superintendent/President shall also direct the Dean of Enrollment Services in writing to change the grade. Whenever a grade is changed as a result of this process, corrected transcripts will be sent to any known educational institution to which the student has transferred.
 - a. If the Superintendent/President's decision is to reject the recommendation of the Committee, and uphold the final grade, the Superintendent/President will give written notice of that decision to the (§VPSLSS), Dean of Enrollment Services, the area dean, the College Petitions Committee, the student and the instructor.
 - b. The decision of the Superintendent/President is final and represents the final stage of due process.

Office of Primary Responsibility: Office of Student Learning and Success

Date Approved: March 16, 2010 (Replaced portions of former College of Marin Procedure 4.0003 DP.10)

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Reviewed/Revised:

Business and Fiscal Affairs

CCLC 36 Update – Legally advised. Formatted, reorganized to conform/align with the model CCLC and updated. Mici Rev. 3-4-2021

Katy B. revisions 4-16-2021

Chief revisions 4-16-2021

Mici revision removed DMV code 4-21-2021

AP 6530 DISTRICT VEHICLES**References:**

[Public Contract Code Section 10326.1](#)

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

All District vehicles and drivers must comply with the California Vehicle Code and Title 13 (Motor Carrier Safety).

All drivers of District-owned or leased vehicles both on and off campus must have a current license appropriate for the vehicle to be driven.

~~A bus is defined as: "A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus." (California Vehicle Code 233 (b)) All bus operators need a class B driver's license, with a "P" endorsement for the transportation of passengers. The Department of Motor Vehicles (DMV) may restrict the license to be valid only for driving certain sizes of buses, or buses with certain equipment such as hydraulic brakes or automatic transmission. The restrictions, if any, will be based on the size and equipment of the bus. The driver must also have a valid medical certificate which may be obtained by passing a physical examination performed by a doctor or other approved medical professional.~~

Any vehicle that carries ten (10) or more persons, including the driver, is defined in the Vehicle Code as a bus. All bus operators must have a current Class ~~B~~ license, with a "P" endorsement for the transportation of passengers, and a current medical certificate and a current First Aid Certificate.

All drivers of District-owned or leased vehicles that carry ten (10) or more persons including the driver must have a current Class B license, with a "P" endorsement for the transportation of passengers, a current medical certificate and a current First Aid Certificate. All drivers of District-owned or leased vehicles must also complete and submit a Department of Motor Vehicles Employer Pull Notice Program Authorization Release Form to the Campus Police Department before they are cleared to drive. All drivers of District-owned or leased vehicles must also complete the online Driver Safety modules that are assigned to them.

Should the District purchase and keep buses for student or employee transportation, the District shall keep records of driver's hours, vehicle maintenance, and vehicle inspection records. All of these records must be made available to the California Highway Patrol (CHP). The CHP is required to inspect the records in accordance with state law.

All District vehicles with equipment for transporting the disabled must comply with all applicable laws and regulations regarding such vehicles.

The District shall not operate or lease a 15-passenger van unless the driver holds both a valid class B driver's license, and an endorsement for operating a passenger transportation vehicle issued by the Department of Motor Vehicles.

Any person who is driving a District-provided vehicle which is involved in an accident must immediately report the incident to the law enforcement agency having jurisdiction at the accident location and to the ~~Campus~~ District Police. The District shall provide accident reporting forms in each vehicle which must be completed and submitted to the Maintenance and Operations Department.

Vehicles made available to District personnel are for use in the conduct and operation of District business only.

Automobiles owned by the District and operated by district personnel may be replaced after 75,000 miles.

Regular or occasional garaging of District-owned vehicles at any location other than the one assigned is permitted only with prior approval. Home garaging shall meet any one of the criteria listed below:

- Employees whose duties require regular or frequent reporting to locations other than their regular headquarters before or after regular working hours.
- Employees who are regularly or frequently subject to call before or after regular working hours.
- Employees with assigned vehicles who are headquartered at locations lacking secured overnight garaging facilities.
- The Chief Business Officer is responsible for controlling access to and use of all District vehicles assigned to that location.
- The name, home address, employee number, California driver's license number and social security number of any employee to be authorized to drive District vehicles must be submitted to the Chief Business Officer prior to final granting of authorization.

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

Date Approved: May 13, 2008

Date Reviewed/Revised:

Business and Fiscal Affairs

No CCLC Update – Legally required and due for review. Formatting updated, minor revisions.

Mici 3-4-2021

Katy B. email reviewed 4-22-2021

Ron approved 4-23-2021

Mici revised 4-23-2021

Peggy I. reviewed, removed last paragraph 4-27-2021

Mici revised 4-27-2021

CCLC 38 Update - The Service updated this procedure to add a use note to clarify that an actuarial evaluation is required if a District establishes a fund for losses and payments for health and welfare benefits for its employees for its employees for the purpose of covering the deductible amount under deductible types of insurance policies, losses or payments arising from self-insurance programs, or losses or payments due to noninsured perils. Mici revised 4-28-2021
Mia changes based on CCLC Update 38 and input from Ron 4-28-2021

AP 6540 INSURANCE**References:**

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

The requirement to provide for insurance coverage may be met by the District joining in a joint powers agreement pursuant to Education Code Section 81603. If it does so, the regulations required by the JPA would be adopted.

The following coverage will be provided:

- Liability insurance for damages for death, injury to person, or damage or loss of property.
- Liability insurance for the personal liability of the members of the Board and of the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer, or employee when acting within the scope of his or her office or employment.
- Fire insurance
- Real property damage
- Personal property loss or damage
- Insurance against "other perils" (Education Code Section 81601)
- ~~Insurance for District vehicles~~
- ~~Workers compensation insurance~~

In addition, student health insurance shall be available to cover student injuries incurred in the course of participation in District-sponsored activities including athletics.

Independent contractors must obtain their own insurance coverage; no insurance of any kind will be provided to independent contractors by the District except if the District chooses to purchase Owners Controlled Insurance for construction contractors.

Informed Consent/Hold-Harmless – District employees facilitating District-related activities involving any risk to non-employees shall require all participants to submit a completed hold-harmless, [waiver](#).

consent, or acceptance of risk form, based on the activity engaged in, "Informed Consent, Acceptance of Risk, and Release of Liability, Indemnification, and Participant Agreement" prior to the event, whenever available. The agreement Completed forms shall be retained by Administrative Services within the Divisional Administrator's office for a period of one and one-half years from the time of the end of the related activity.

~~Prior to funding retiree health and welfare benefits, the District shall secure the services of an actuary enrolled under subtitle C of Title III of the federal Employee Retirement Income Security Act of 1974, to provide actuarial evaluations of the future annual costs of such benefits.~~

If the District establishes a fund for losses and payments for health and welfare benefits for its employees for the purpose of covering the deductible amount under deductible types of insurance policies, losses or payments arising from self-insurance programs, or losses or payments due to noninsured perils, the District will secure the services of an actuarial to provide an actuarial evaluation of the future annual costs of such benefits unless the JPA secures such services or such services are not required because of the District's participation in the JPA.

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

Date Approved: January 19, 2010

Date Reviewed/Revised:

Business and Fiscal Affairs

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

Recommended changes by Board Revised by Mici 4-14-21

BP 6570 INTEGRATED PEST MANAGEMENT**References:**

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

University of California Agriculture & Natural Resources Statewide Integrated Pest Management Program (UC IPM); and

University of California Agriculture & Natural Resources Cooperative Extension Marin (UCCE Marin).

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

~~Office of Primary Responsibility: College Operations~~

Date Adopted: January 20, 2009 (*Replaced College of Marin Policy 8.0029*)

Date Reviewed/Revised:

Human Resources

CCLC #35 – legally required update revises language related to awarding equivalency for faculty teaching in vocational disciplines.

To Nikki/Meg/Jon on 10/15/20

AS approved 4/22/2021

AP 7211 FACULTY SERVICE AREAS, MINIMUM QUALIFICATIONS, AND EQUIVALENCIES**References:**

ACCJC Accreditation Standard III.A.2-4

Education Code Sections 87001, 87003, 87359, and 87743.2;

Title 5 Sections 53400 et seq.

Faculty Service Areas

Faculty service areas shall be established after negotiation and consultation as required by law with the appropriate faculty representatives.

Minimum Qualifications

Faculty shall meet minimum qualifications established by the Board of Governors, or shall possess qualifications that are at least equivalent to the minimum qualifications set out in the regulations of the Board of Governors.

Equivalencies

Equivalency Committee – An Academic Senate Equivalency Committee shall be established to fulfill the requirement of Education Code Section 87359, which states that the equivalency process "shall include reasonable procedures to ensure that the Board of Trustees relies primarily upon the advice and judgment of the Academic Senate to determine that each individual employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications. ...". In order to ensure that the Board of Trustees relies primarily on the advice and judgment of the Academic Senate, the Academic Senate Equivalency Committee shall:

- Be available as a resource regarding equivalency determinations.
- Recommend all equivalency determinations.
- Further clarify the criteria to be used for determining equivalency.
- Ensure that careful records are kept of all equivalency determinations.
- Periodically review this procedure and recommend necessary changes to the Academic Senate and Board of Trustees.
- In general, ensure that the equivalency process works well and meets the requirements of the law.

Determination of Equivalencies – The following procedure is to be used to determine when an applicant for a faculty position or pool, although lacking the exact degree or experience specified in the Disciplines List of the Board of Governors that establishes the minimum qualifications for hire, nonetheless does possess qualifications that are at least equivalent to those required by the Disciplines List. The procedure is intended to ensure a fair and objective process for determining when an applicant has the equivalent qualifications. It is not intended to grant waivers for lack of the required qualifications.

All faculty position or pool announcements will state the required qualifications as specified by the Disciplines List, including the possibility of meeting the equivalent of the required degree or experience.

District applications for faculty positions or pools will ask applicants to state whether they meet the minimum qualifications of the Disciplines List or whether they believe they meet the equivalent. Those claiming equivalency will then be asked to state their reasons and to present evidence. It will be the responsibility of the applicant to supply all evidence and documentation for the claim of equivalency at the time of application.

Human Resources will initially screen all applicants. Those applicants who require an equivalency determination will be forwarded to the Academic Senate's Equivalency Committee or designee. The Academic Senate Equivalency Committee or designees shall submit its recommendation and evaluation concerning equivalency and non-equivalency to Human Resources. Only applicants who are found to meet equivalency may be selected for an interview.

The Academic Senate Equivalency Committee will review the decisions of the screening, asking the following questions:

- Was the decision made in accord with this procedure?
- Specifically, did the screening Equivalency Committee follow the criteria for evidence of equivalency stated in this procedure?
- Are the Committee's decisions consistent with similar decisions made by earlier committees in this discipline or similar disciplines?

For the purposes of this procedure, an emergency or special circumstance is defined as a situation in which the full hiring process cannot be carried out in a timely manner. Such situations may include, but are not limited to the following:

- Vacancies that occur shortly before the beginning of a session in which there is not sufficient time for the full equivalency process to take place.
- Additional sections of a class added shortly before the beginning of a session or after the session begins.
- An unforeseen opportunity, occurring shortly before the beginning of a session, to staff sections in locations, venues, or subject matter specialties for courses which previously have been difficult to schedule (certain off-campus sites, contract education, short courses, etc.).

The Academic Senate Equivalency Committee shall employ the following procedures in emergencies or special circumstances:

- In case a candidate to be offered an adjunct or temporary assignment position is also an equivalency claimant, the screening Equivalency Committee shall determine the equivalency status prior to immediately following the interview and make a recommendation to the department chair or appropriate area administrator if there is no chair. This recommendation shall be forwarded to Human Resources.
- **Human Resources** will review the recommendation and either accept or reject it. If the candidate is acceptable, the department is free to extend the job offer; if unacceptable, the selection committee may request a review.

- The Academic Senate Equivalency Committee or designees shall submit its recommendation and evaluation concerning equivalency and non-equivalency to Human Resources. Only candidates who are found to meet equivalency may be interviewed.
- ~~Human Resources~~ will review the recommendation and either accept or reject it. If the candidate is acceptable, the department is free to extend the job offer; if unacceptable, the selection committee may request a review by [**designate authority**].
- For the purposes of this procedure, an emergency or special circumstance is defined as a situation in which the full hiring process cannot be carried out in a timely manner. Such situations may include, but are not limited to the following:
 - Vacancies that occur shortly before the beginning of a session in which there is not sufficient time for the full equivalency process to take place.
 - Additional sections of a class added shortly before the beginning of a session or after the session begins.
 - An unforeseen opportunity, occurring shortly before the beginning of a session, to staff sections in locations, venues, or subject matter specialties for courses which previously have been difficult to schedule (certain off campus sites, contract education, short courses, etc.).

The District may elect to award equivalency for faculty teaching in vocational disciplines that do not require the master's degree.

- **Semester units/experience:** 120 semester units AND two years of experience in the discipline; or 60 semester units AND six years of experience in the discipline. **NOTE:** All semester or equivalent units must all be earned from a regionally accredited postsecondary educational institution.
- **Related occupational experience:** May be substituted by teaching experience in the discipline or related discipline on a year-for-year basis.
- **Recency:** An individual employed to teach a vocational discipline shall demonstrate a competency in the current technology of that discipline.
- **Rare exceptions:** In the rare case that an individual does not specifically meet the equivalency provisions as stated in the above sections, and the department chair, the full-time faculty in that discipline (if applicable), supervising instructional administrator and Vice President of Student Learning and Success agree that the person is otherwise qualified to teach in that discipline, that individual's qualifications may be recommended to the ~~A~~cademic ~~S~~enate ~~E~~quivalency ~~C~~ommittee chair as deemed "equivalent" for that discipline.

Office of Primary Responsibility: Human ~~Services~~ Resources

Date Approved: May 18, 2010 (*Replaced College of Marin Policy 5.0006*)

Date Revised: April 19, 2016

Date Reviewed/Revised:

Human Resources

CCLC 36 Update - Legally advised - was updated to revise a citation, include a requirement that Campus Security Officers complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and update the fingerprint requirements for Campus Security Officers. In addition, Use of Force Guidelines* were created for those districts with police departments to comply with SB 230's requirement that law enforcement agencies have a use of force policy no later than January 1, 2021. These Use of Force Guidelines are best codified in the District Police Dept. Handbook or Protocols. Revised by Mici 3-15-2021

Jeff M. 4-19-2021

Nikki approved 4-22-2021

AP 7600 DISTRICT POLICE**References:**

Education Code Sections 67381, 72330, ~~and 72330.2 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 ~~BP~~ Board Policy 7600 ~~titled~~ 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 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: ~~College Operations (District Police Department)~~ and Administrative Services, Human Resources and District Police Department

Date Approved: January 17, 2012

Date Revised:

Human Resources

CCLC 36 Update – References updated. Mici revised 2/9/2021

Nikki H. approved on 4/21/2021

BP 7510 DOMESTIC PARTNERS**References:**

Family Code Sections 297, ~~297.5, 298, 298.5, 299, 299.2, and 299.3~~; et seq.
Internal Revenue Code Section 152

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the District’s policies or procedures shall be read to include registered domestic partners as permitted by California law.

The District utilizes an expanded definition of domestic partnership. Definitions and eligibility for domestic partners for District employees shall be outlined in applicable collective bargaining agreement. Board members and unrepresented employee groups shall be afforded similar rights to those covered by collective bargaining agreements.

Also see BP/AP 7310 ~~titled~~ Nepotism

Date Adopted: August 23, 2011

Date Reviewed: April 16, 2019

Date Reviewed/Revised: