

## **College Council: Policy and Procedure Review**

10-13-2022

**AP 3750 Use of Copyrighted Material** – Due for review as regular cycle of review. Compared to model CCLC policy for legal updates. This policy is suggested good practices. Formatting updated (no underline, bold only). Updated links added to document.

**AP 3920 Communication with the Public** – Due for review as part of the regular cycle of review. There is no corresponding CCLC model procedure. The Director of Communications updated this procedure to reflect department processes.

**AP 4104 Contract Education** – Due for review as part of regular review cycle. Compared to CCLC model procedure for legal updates and there were none. This procedure is legally advised.

**AP 5013 Students in the Military** – CCLC 39 updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315). Changes suggested as good practice.

**BP 2310 Regular Meetings of the Board** – CCLC 40 updated this legally required policy to align to the recent changes in the Brown Act regarding teleconferenced meetings.

**BP 2340 Agendas** – CCLC 40 updated this legally required policy to reflect amended Brown Act provisions on public requests for agenda materials.

**BP 2410 Board Policies and Administrative Procedures** – CCLC 40 - The Service updated this policy to clarify that in unusual circumstances the governing board may adopt changes at the same meeting at which they are introduced. Suggested good practice.

**BP 3540 Sexual and Other Assaults on Campus** – Legally required to review annually as of 1/2020. Minor, non-substantive edits.

**BP 3920 Communication with the Public** – Due for review as part of the regular cycle of review. There is no corresponding CCLC model policy.

**BP 4235 Credit for Prior Learning** – CCLC 39 updated this policy to clarify that students may earn credit for prior learning through satisfactory completion of certain examinations. If COM grants credit for prior learning, the following added language applies.

**BP 5015 Residence Determination** – CCLC 39 updated this policy to add legally required language regarding exceptions to California residency determinations for certain students with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679) The Service also added a legal citation to the U.S. Code.

**BP 5055 Enrollment Priorities** – This policy is due for review as part of the regular review cycle and is legally required. As part of the review this was compared to the CCLC model policy and there are no recommended updates. The corresponding procedure (AP 5055) was reviewed and approved in May of 2022.

**BP 5700 Athletics** – CCLC 39 legally required updates added language regarding transgender student athletes. This Service also added legal citations to the Education Code regarding student athletes' rights to earn compensation for their name, image, likeness, or athletic reputation (Education Code Section 67456, as amended by Senate Bill 26) and reference to the California Community College Athletic Association Constitution and Bylaws.

**BP 6540 Insurance** – CCLC 40 - The Service updated this policy to delete a reference to workers' compensation insurance and reflect Education Code Section 72506.

**BP 7160 Professional Development** – Revision initiated by VP of Student Learning and Success to include diversity, equity, and inclusion language.

**BP 7230 Classified Employees** – CCLC 40 updated this policy to reflect new legislation that shortened the probationary period and new requirements for layoff and hearing rights for classified employees.

**BP 7340 Leaves** – CCLC 40 - The Service updated this policy to include references to Government Code Sections 12945.2 and 12945.21.

**BP 7380 Retiree Health Benefits** – CCLC 40 - The Service updated this policy to add a usage note that the policy does not apply to districts that provide benefits under the Public Employees' Medical & Hospital Care Act – note was removed after department review. This policy is also due for review as part of the regular review process.

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

#### **Status Update – Policies and Procedures Currently Under Review**

##### ***Administrative – Under Review***

AP 3420 Equal Employment Opportunity  
BP 3430 Prohibition of Harassment  
BP 3433 Prohibition of Sexual Harassment under Title IX  
AP 3434 Responding to Harassment Based on Sex under Title IX  
AP 3435 Discrimination and Harassment Investigations  
BP 3520 Local Law Enforcement  
AP 3520 Local Law Enforcement  
AP 3540 Sexual and Other Assaults on Campus  
BP 3720 Information Technology Use  
AP 3725 Information and Communications Technology and Accessibility Acceptable Use  
AP 4100 Graduation Requirements for Degrees and Certificates  
AP 4104 Contract Education  
AP 4105 Distance Education  
BP 5040 Student Records Directory Information and Privacy  
AP 5530 Student Grievances  
AP 5700 Intercollegiate Athletics  
AP 7160 Professional Development

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

BP 3260 Participation in Local Decision Making

AP 3260 Participation in Local Decision Making  
AP 4026 Philosophy and Criteria for International Education  
AP 4230 Grading and Academic Record Symbols

**General Institution**

Due for review as regular cycle of review. Compared to model CCLC policy for legal updates. This policy is suggested good practices. Formatting updated (no underline, bold only). Updated links added to document. Mici 9-22-2022

Approved without changes. Mia/General Counsel 9-26-2022

Approved without changes. Jonathan E/SLS 9-27-2022

Approved without changes. Annie R./Repo 9-28-2022

**AP 3750 USE OF COPYRIGHTED MATERIAL****References:**

Education Code Sections 32360 and 67302;  
U. S. Code Title 17, Copyright Act of 1976

Employees and students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the “fair use” doctrine.

**Fair Use****Reference:**

~~Copyright Act, Section 107~~

The “fair use” doctrine permits limited use of copyrighted materials in certain situations, including teaching and scholarship. In some instances, copyright may be required for works that fall within “fair use.” (~~Copyright Act, Section 107~~).

*The following is excerpted from the legislative history of the 1976 Copyright Act, which established congressionally endorsed guidelines related to classroom copying for educational use.*

**I. Single Copying for Teachers**

A single copy may be made of any of the following by or for a teacher at his/~~or~~ her/their individual request for his/~~or~~ her/their scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book
- B. An article from a periodical or newspaper
- C. A short story, short essay or short poem, whether or not from a collective work
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper

**II. Multiple Copies for Classroom Use**

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below and
- B. Meets the cumulative effect test as defined below and

- C. Each copy includes a notice of copyright

## Definitions

### Brevity:

- i. **Poetry:** (a) A complete poem if less than 250 words and if printed on not more than two pages or (b) from a longer poem, an excerpt of not more than 250 words.
- ii. **Prose:** (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. (Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)
- iii. **Illustration:** One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- iv. **"Special" works:** Certain works in poetry, prose, or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety.

Paragraph "i" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

### Spontaneity:

- i. The copying is at the instance and inspiration of the individual teacher; and
- ii. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

### Cumulative Effect:

- i. The copying of the material is for only one course in the school in which the copies are made.
- ii. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- iii. There shall not be more than nine instances of such multiple copying for one course during one class term. (The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

## III. Prohibitions

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.

- B. There shall be no copying of or from works intended to be "consumable" in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C. Copying shall not:
  - i. substitute for the purchase of books, publisher's reprints or periodicals
  - ii. be directed by higher authority
  - iii. be repeated with respect to the same item by the same teacher from term to term.
- D. No charge shall be made to the student beyond the actual cost of the photocopying.

## Compilations

### References:

~~Basic Books, Inc. v. Kinko's Graphics Corp. (S.D.N.Y. 1991) 758 F.Supp. 1522; and Princeton University Press v. Michigan Document Services, Inc. (6th Cir. 1996) F.3d 1381~~

Permission from the copyright owner should be obtained when using excerpts of copyrighted work to create anthologies or "coursepacks," even if the excerpts fall under the definitions in the "fair use" doctrine. \*

~~(See Basic Books, Inc. v. Kinko's Graphics Corp. (S.D.N.Y. 1991) 758 F.Supp. 1522; and Princeton University Press v. Michigan Document Services, Inc. (6th Cir. 1996) F.3d 1381).~~

## Online Courses

### References:

~~The TEACH (Technology, Education and Copyright Harmonization) Act, U.S. Code 17, Copyright Act, Sections 110(2) and 112~~

The Teach Act provides instructors greater flexibility to use third party copyrighted works in online courses. An individual assessment will be required to determine whether a given use is protected under the Act. The following criteria are generally required:

- The online instruction is mediated by an instructor.
- The transmission of the material is limited to receipt by students enrolled in the course.
- Technical safeguards are used to prevent retention of the transmission for longer than the class session.
- The performance is either of a non-dramatic work or a "reasonable and limited portion" of any other work that is comparable to that displayed in a live classroom session.
- The work is not a textbook, course pack, or other material typically purchased or acquired by students for their independent use and retention, including commercial works that are sold or licensed for the purposes of digital distance education.
- The District does not know, or have reason to know, that the copy of the work was not lawfully made or acquired.
- The District notifies students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder.

~~(See The TEACH (Technology, Education and Copyright Harmonization) Act, U.S. Code 17, Copyright Act, Sections 110(2) and 112).~~

## Obtaining Permission to Use Copyrighted Material

District employees will follow the guidelines provided by the United States Copyright Office in Circular 21, "[Reproduction of Copyrighted Works by Educators and Librarians](#)." ~~A copy of this document is available from the U.S. Copyright Office at <http://www.copyright.gov/circs/>~~

Responsibility for obtaining permission to print, duplicate, or display copyrighted works shall rest with the individual using the copyrighted material. This would involve contacting the owner of the copyrighted work and obtaining written permission to use the work.

The following websites will provide additional information regarding use of copyrighted material. The booklets, "Questions and Answers on Copyright for the Campus Community" and "Guidelines for Campus Copying" are available on the first three websites listed below:

1. The [Association of American Publishers](#), ~~[www.publishers.org](http://www.publishers.org)~~, click on "conferences and publications"
2. [National Association of College Stores](#), ~~[www.nacs.org](http://www.nacs.org)~~, click on "industry information"
3. [Software and Information Industry Association](#), ~~[www.siiia.net](http://www.siiia.net)~~, click on "bookstore"
4. [Copyright Clearance Center](#), ~~[www.copyright.com](http://www.copyright.com)~~
5. [American Libraries Association](#), ~~[www.ala.org](http://www.ala.org)~~, click on "Washington Office" or "issues and advocacy"

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

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**Date Approved:** June 19, 2012

**Date Reviewed/Revised:**

**General Institution**

Due for review as part of the regular cycle of review. There is no corresponding CCLC model procedure.

Mici 9-22-2022

Added procedural language to reflect practices. Nicole/Communications 9-26-2022

**AP 3920 COMMUNICATION WITH THE PUBLIC****References:**

2 California Code of Regulations Section 18901;  
Government Code Sections 89041.5 and 89001

The Marketing and Communications Office (Marketing and Communications) strives to embrace diversity in all forms. This procedure applies to all members of the College community including partner organizations. Members of the campus community are responsible for engaging in effective communications that reflect College of Marin's commitment to providing equitable opportunities and fostering success for all members of its diverse community.

Marketing and Communications of ~~Marketing and Communications and Community Relations~~ is responsible for providing leadership on the District's strategic communication efforts; internal and external marketing, advertising, and communication campaigns; ~~College marketing, advertising, publicity, public relations, government relations, and public information; event planning, and coordination of the College-wide branding and graphic standards program. District website, institutional branding, graphic design, video production, print publications, District mailings, and reprographics.~~

All publications will present a consistent image including use of logo, typeface, and theme. All official external and College-wide internal marketing and communications representing College of Marin must be approved by Marketing and Communications.

The Director of Marketing and Communications is the District spokesperson and is directed by the Superintendent/President to plan and implement a communications strategy that builds awareness of District activities by:

- Fostering contacts with media personnel, community organizations and leaders, business representatives, governmental agency staff, students, and the general public.
- Collaborating with senior managers, students, and other District staff to plan strategies for campaigns, communication of District information, and planning special events and public relations activities.
- Advising District staff on matters related to the image and promotion of the College, including branding and other imaging for District collateral material, media relations, and crafting responses to media inquiries.
- Conceptualizing, developing, and composing original feature stories, news releases, marketing campaigns, campus updates, and other publicity and communications material.



Further details related to District publications and communications can be found in ~~the Office of Marketing and Communications and Community Relations~~ the College Branding Guidelines available ~~in print and~~ on the District's website. <https://policies.marin.edu/branding-guidelines>

~~The Office of Marketing and Communications and Community Relations~~ works closely with the members of the news media to facilitate the dissemination of accurate information about the District's news, events, and accomplishments. ~~To ensure that information about the College is accurate, consistent, and disseminated to the appropriate channels, Marketing and Communications is the only office authorized for communicating official announcements, events, news releases, and statements of the District. When members of the College community are contacted by the media, they must immediately refer the media representative to Marketing and Communications. The Director of Marketing and Communications will work with the appropriate administrators, faculty, and classified professionals on a response. All offices, departments, and programs must contact Marketing and Communications before initiating media contact for coverage of events and activities. Marketing and Communications will review requests and determine the strategy most effective in achieving the desired goal on behalf of the College. Inquiries from members of the news media may be referred to subject area experts and/or special event coordinators as appropriate.~~ Media Resources guidelines are available on the District's website. <https://president.marin.edu/media-resources>

Also see BP 1100 ~~titled the~~ Marin Community College District

Office of Primary Responsibility: Marketing and Communications ~~Office of Communications and Community Relations~~

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Date Approved: April 19, 2011 *(Replaced College of Marin Procedure 7.0051 DP.1)*

**Date Reviewed/Revised:**

## Academic Affairs

Due for review as part of regular review cycle. Compared to CCLC model procedure for legal updates and there were none. This procedure is legally advised. Mici B. 8-26-2022

Corrected to add not-for-credit courses to cover all bases and to provide the District with greater flexibility. CNA, for example, will launch as not-for-credit. For example, offering E2C through not for credit via a contract with Canal Alliance. Jonathan E/SLS, Alina, Lori 8-31-2022

Approved without changes. ASC/AS 9-28-2022

**AP 4104 CONTRACT EDUCATION****Reference:**

Title 5 Section 55170

The District may contract for instructional classes to be offered at the request of public or private agencies or groups.

These courses shall be provided to such organizations on a contract basis as the need arises.

Contract credit, ~~and~~ noncredit, and not-for-credit courses shall be consistent with the goals of the District, and responsive to the educational requirements of the respective public or private agencies or groups requesting them.

These programs are normally closed to the general public and are therefore not eligible for apportionment in accordance with the Education Code.

The Superintendent/President shall assess the need for such services and coordinate all contract credit, ~~and~~ noncredit, and not-for-credit courses to prevent unnecessary duplication.

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

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Date Approved: November 17, 2009 (*Replaced College of Marin Policy 2.0016*)

**Date Reviewed/Revised:**

**Student Services**

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

Approved without changes. Jon H./Enrollment 9-1-2022

Approved without changes. ASC/AS 9-28-2022

**AP 5013      STUDENTS IN THE MILITARY****References:**

Education Code Sections 68074, 68075, 68075.5, and 68075.7;  
Title 5 Sections 55023, 55024, 54041, 54042, 54050, and 58620;  
Military and Veterans Code Section 824;  
38 U.S. Code Section 3679

**Residence Determinations for Military Personnel and Dependents**

A student who is a member of the armed forces of the United States stationed in California, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. Such student shall retain resident classification if he/she/they is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

A veteran who was discharged or released from at least 90 days of active service ~~less than three years before the date of enrollment in a course,~~ commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.

An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California is entitled to resident classification.

An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty is entitled to resident classification.

A parent who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (Title 5 Sections 54041; 54042)

#### **Withdrawal Policies for Members of the Military**

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A MW symbol will be assigned to the student's academic record. Military withdrawal shall not be counted in progress probation, dismissal calculations, or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

The student will be eligible to receive a full refund for all fees paid in the term for which the military withdrawal was granted.

A student who has received military orders compelling a withdrawal from all courses must submit their military orders along with a Drop Form and a Request for Refund Form to the Office of Enrollment Services. A student, who has been deployed suddenly, may request to have his/her/their documents completed and submitted by a specified third party.

#### **Military Credit**

Students who have completed at least one year of active military service may submit a copy of their DD214 showing an honorable discharge and receive 5 units of PE.

These units will appear in the memoranda section of the grade record. Students must have successfully completed 12 units at College of Marin to be eligible.

*Office of Primary Responsibility:* Office of Enrollment Services

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Date Approved: May 18, 2010 (*Replaced part of former College of Marin Procedure 4.0003 DP.1*)

Revised: June 19, 2012; February 20, 2018; November 17, 2020

**Reviewed/Revised:**

## Board of Trustees

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

Approved without changes. Mia/ General Counsel 9-1-2022

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

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

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

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

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

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

**Meetings During Proclaimed States of Emergency**

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

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

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

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

Also see BP 2340 Agendas

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Date Adopted: April 21, 2009 (*Replaced College of Marin Policies 1.5020, 1.5050, 1.5080, and 1.6030*)

Reviewed/Revised: March 16, 2010; July 18, 2017; January 18, 2022

**Revised:**

## Board of Trustees

CCLC 40 updated this **legally required** policy to reflect amended Brown Act provisions on public requests for agenda materials. Mici 9-1-2022

Approved. Mia/General Counsel 9-26-2022

**BP 2340      AGENDAS****References:**

Education Code Sections 72121 and 72121.5;  
Government Code Sections 6250 et seq. and 54954 et seq.

An agenda shall be posted adjacent to the place of meeting as well as on the District's Internet website at least ~~seventy-two (72)~~ hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an "emergency situation" as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board of Trustees subsequent to the agenda being posted;
- an item appeared on the agenda of an adjourned meeting and was continued from a meeting held not more than five (5) days earlier.

The order of business may be changed by consent of the Board of Trustees.

If requested by a member of the public, a copy of the agenda, or documents constituting the agenda packet, shall be provided by mail or email. The agenda for each regular and special meeting shall be prepared by the Superintendent/President and its contents approved by the Board Officers.

Any Board member may have an item placed upon the agenda for the next Board meeting by so informing the Board President and the Superintendent/President in writing at least ~~fifteen (15)~~ days prior thereto.

The agenda, together with all completed reports, shall be provided each Board member at least three (3) working days before each meeting.

The Superintendent/President shall establish administrative procedures that provide for public access to agenda information.

Members of the public may place matters directly related to the business of the District on an agenda for a Board meeting by submitting a written summary of the item to the Superintendent/President. The

written summary must be signed by the initiator. The Board of Trustees reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Agenda items submitted by members of the public must be received by the office of the Superintendent/President ~~fifteen (15)~~ working days prior to the regularly scheduled Board meeting.

Agenda items initiated by members of the public shall follow items of business on the Board's agenda ~~after those~~ following the items of business initiated by the Board of Trustees and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a ~~ninety (90)~~ day period following the initial submission.

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Date Adopted: July 21, 2009 *(Replaced current College of Marin Policies 1.5030, 1.5070, and 1.5320)*

Date Reviewed/Revised: June 20, 2017

**Date Reviewed/Revised:**



## Board of Trustees

**CCLC 40** - The Service updated this policy to clarify that in unusual circumstances the governing board may adopt changes at the same meeting at which they are introduced. Suggested good practice.

Mici 9-13-2022

Approved. Mia/General Counsel 9-14-2022

**BP 2410 BOARD POLICIES AND ADMINISTRATIVE PROCEDURES****References:**

Education Code Section 70902;

ACCJC Accreditation Standards IV.C.7, IV.D.4, I.B.7, and I.C.5. ~~(formerly IV.B.1.b & e)~~

The Board of Trustees may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to District activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to, or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall normally be introduced not less than one regular meeting prior to the meeting at which action is recommended. In unusual circumstances, the Board may change, amend, or add to Board Policies at the same meeting at which they are introduced.

The Board shall regularly assess its policies in fulfilling the District's mission.

Administrative procedures may be revised as deemed necessary by the Superintendent/President.

Administrative procedures approved by the Superintendent/President in accordance with Board policies shall apply to all students and personnel employed by the District, including the Superintendent/President and other District officers, and, where applicable, to agents and consultants of the District and the Board.

Administrative procedures are to be issued by the Superintendent/President as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy.

The Superintendent/President shall provide each member of the Board with copies of the administrative procedures. The Board of Trustees reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all Board Policies and Administrative Procedures are readily available on the District's website and/or through the Office of the Superintendent/President.

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Date Adopted: January 19, 2010 (*Replaced College of Marin Policies 1.6010 and 7.0002*)

Date Reviewed/Revised: July 18, 2017; November 13, 2018

**Date Reviewed/Revised:**

**General Institution**

Legally required to review annually as of 1/2020. Minor, non-substantive edits. Mici 9-22-2022

Approved without changes. Nikki/Human Resources 9-28-2022

Approved without changes. Sadika/SAS 9-28-2022

Approved without changes. Jeff M/Chief 9-28-2022

**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~~ AP 3540 Sexual and Other Assaults on Campus

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Date Adopted: May 17, 2011 (*Replaced College of Marin Policy 7.0054*)

Date Revised: October 20, 2015; June 8, 2021

**Date Reviewed/Revised:**

**General Institution**

Due for review as part of the regular cycle of review. There is no corresponding CCLC model policy. Mici  
9-22-2022

Approved without changes. Nicole/Communications 9-26-2022

**BP 3920          COMMUNICATION WITH THE PUBLIC**

**References:**

2 California Code of Regulations Section 18901;  
Government Code Sections 89041.5 and 89001

The Superintendent/President shall establish District procedures to inform the public of the District's mission, vision, news, events, accomplishments, and needs.

In compliance with California Code of Regulations Title 2 Section 18901, printed publications mailed at public expense shall not feature a publicly elected member of the Board or their photograph.

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Date Adopted: May 17, 2011 (*Replaced College of Marin Policy 7.0051*)

**Date Reviewed/Revised:**

**Academic Affairs**

**CCLC 39** updated this policy to clarify that students may earn credit for prior learning through satisfactory completion of certain examinations. If COM grants credit for prior learning, the following added language applies. Mici 8-24-2022  
Approved without changes. Jon H./Enrollment 9-1-2022  
Approved without changes. ASC/AS 9-28-2022

**BP 4235 CREDIT FOR PRIOR LEARNING**

**Reference:**

Title 5 Section 55050 et seq.

Credit may be earned by students who satisfactorily pass an assessment or examination. The Superintendent/President shall establish administrative procedures to implement this policy.

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Date Adopted: June 22, 2010; December 15, 2020

**Date Reviewed/Revised:**

**Student Services**

**CCLC 39 updated** this policy to add **legally required** language regarding exceptions to California residency determinations for certain students with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679) The Service also added a legal citation to the U.S. Code.

Mici 8-24-2022

Approved without changes. Jon H./Enrollment 9-1-2022

Approved without changes. ASC/AS 9-28-2022

**BP 5015 RESIDENCE DETERMINATION****References:**

Education Code Sections 66093.3, 68000 et seq., 68130.5, 68040, 68074 - 68075.7, 68086 and 76140;

Title 5 Sections 54000 et seq.;

38 U.S. Code Section 3679

**Residence Classification**

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

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

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

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

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

**Right to Appeal**

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

**Appeal Procedure**

The appeal is to be submitted to the Office of Enrollment Services which must forward it to the Dean of Enrollment Services within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover

statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

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

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

### **Reclassification**

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

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

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

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

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

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

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

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

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

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

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

### **Non-Citizens**

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

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

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

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

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

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

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

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,



- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

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

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

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

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

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

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

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

Specifically, where District must determine a student's residency for purposes of in-state tuition, the District shall not inquire about a parent/guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor

dependent of a California resident, the District shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.).

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

*Office of Primary Responsibility:* Office of Enrollment Services

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

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

**Date Review/Revised:**

**Student Services**

This policy is due for review as part of the regular review cycle and is **legally required**. As part of the review this was compared to the CCLC model policy and there are no recommended updates. The corresponding procedure (AP 5055) was reviewed and approved in May of 2022. Mici  
Approved without changes. ASC 9-28-2022

**BP 5055          ENROLLMENT PRIORITIES**

**References:**

Title 5 Sections 51006, 58106, and 58108

The Superintendent/President shall establish procedures defining enrollment priorities, limitations, and processes for student challenge, which shall comply with Title 5 regulations.

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Date Adopted: June 22, 2010

**Date Reviewed:**

**Student Services**

**CCLC 39 legally required** updates added language regarding transgender student athletes. This Service also added legal citations to the Education Code regarding student athletes' rights to earn compensation for their name, image, likeness, or athletic reputation (Education Code Section 67456, as amended by Senate Bill 26) and reference to the California Community College Athletic Association Constitution and Bylaws. Mici 8-24-2022

Approved without changes. Ryan B./Kinesiology 8-25-2022

Approved without changes. ASC/AS 9-28-2022

**BP 5700      ATHLETICS****References:**

Education Code Sections ~~78223~~, 66271.6, 66271.8, and 67360 et seq., 67456, and 78223;  
20 U.S. Code Sections 1681 et seq.;  
ACCJC Accreditation Standard II.C.4;  
California Community College Athletic Association (CCCAA) Constitution and CCCAA Bylaws

It shall be the policy of the Board to offer opportunities for participation in intercollegiate athletic programs to ~~male and female~~ students, in accordance with state and federal guidelines and California Community College Athletic Association standards. The program shall not discriminate on the basis of gender in the availability of athletic opportunities.

The Superintendent/President shall assure that the athletics program complies with state and federal law, the California Community College Athletic Association (CCCAA) and Sports Championship Handbooks, and appropriate Conference Constitution regarding student athlete participation.

Accidental death insurance and limited insurance protection for medical and hospital expenses resulting from accidental bodily injury is provided for all students, including each member of the College athletic teams. The District's student accident insurance is supplemental to any personal insurance policies that cover the student.

*Also see* BP 5205 ~~titled~~ Student Accident Insurance and BP 6540 ~~titled~~ Insurance

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Date Adopted: April 17, 2012 (*Replaced College of Marin Policy 4.0016*)

Revised: July 21, 2015

**Reviewed/Revised:**

**Business and Fiscal Affairs**

CCLC 40 - The Service updated this policy to delete a reference to workers' compensation insurance and reflect Education Code Section 72506. Mici 9-13-2022

Approved without changes. Eresa/Greg/Administrative Svcs 9-26-2022

**BP 6540 INSURANCE****References:**

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

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

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

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

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

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

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Date Adopted: March 16, 2010 (*Replaced former College of Marin Policy 6.0006*)

**Date Reviewed/Revised:** May 11, 2021

Date Revised:

## Human Resources

Revised by Student Learning and Success. Jonathan Eldridge on 6-23-2022

Reviewed and approved by Nikki Harris on 6-29-2022

Approved without changes. ASC 9-27-2022

**BP 7160      PROFESSIONAL DEVELOPMENT****References:**

Education Code Sections 87150 et seq.;  
ACCJC Accreditation Standard III.A.14

The District will provide employees with appropriate opportunities for continued professional development consistent with the college mission, institutional plans and identified teaching and learning needs.

Work schedules may be adjusted to permit *employees* to pursue approved professional development activities provided the schedule adjustment can be made without undue inconvenience or other disadvantage to the District.

Professional activities including but not limited to writing for publication, research, attending conferences, leading seminars, exhibiting artistic works and the like are also recognized as contributing to an employee's professional development. Accordingly, the Superintendent/President may recommend to the Board of Trustees, where appropriate, stipends for research and development activities.

Additional information regarding professional development may be found in the appropriate collective bargaining agreement.

Professional development aims to enhance employee performance and service to students to improve institutional effectiveness with the ultimate goal of supporting student success [in the context of Marin County's stark racial inequities](#). Professional development opportunities will align with the mission of the College by utilizing [the an equity-minded framework in the spirit of equity, diversity, and inclusion \(DEI\) in serving the College's student population which calls attention to the patterns of inequity in student outcomes and helps practitioners take personal and institutional responsibility for the success of students by critically reassessing their own practices. It also requires that practitioners are race-conscious and aware of the social and historical context of exclusionary practices in American education.](#)

*Also see AP 7341 Sabbaticals*

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Date Adopted: July 27, 2010 (*Replaced College of Marin Policies 5.0020 and 2.0007*)

Revised: June 21, 2022

**Reviewed/Revised:**

**Board Policy Review Committee Special Meeting (Zoom) 2:00 p.m. (Monday, September 12, 2022)**

*Prepared by Micol Benet on Tuesday, September 13, 2022*

Meeting minutes were approved by the Committee on October 3, 2022.

**A. Special Meeting, 2:00 p.m. (Zoom)**

Procedural: 1. Call Meeting to Order, Roll Call

Present: Suzanne Crow, Diana Conti

Roll Call: Diana Conti, Suzanne Crow

The meeting was called to order at 2:04 p.m.

Action, Procedural: 2. Adopt Meeting Agenda

Motion to adopt the agenda by Diana Conti, second by Suzanne Crow.

Aye: Diana Conti, Suzanne Crow

Procedural: 3. Public Comment on Agenda Items (3 minutes per speaker)

There was no public comment.

Action, Discussion: 4. Determine if Conditions are Met to Continue Teleconferencing Pursuant to AB 361 (2021)

The Committee discussed the ongoing state of emergency and whether the impacts of COVID affect the ability to meet safely in-person. The need for flexibility was discussed, given the fluctuations in infections, when making findings at each meeting in order to continue meeting under the relaxed Brown Act teleconferencing rules as per AB 361.

Motion to accept conditions met to continue teleconferencing pursuant to AB 361 by Diana Conti, second by Suzanne Crow.

Aye: Diana Conti, Suzanne Crow

**B. Overview 2022**

Discussion: 1. Fall 2022 Meeting Dates

The Committee agreed to meet 2-3:30 PM on October 3, 2022, October 31, 2022, and November 29, 2022 pending any unforeseen events.

Discussion: 2. Policy and Procedure Review Process Goals

The BPRC staff reminded the Committee that the review goals would continue to include policies and procedures updates when due for review on the six-year cycle, focus on making sure all ACCJC policies and procedures are updated, and continue with the Community College League of California (CCLC) 40 updates. In November the CCLC will issue update 41.

The goal is to have all CCLC updates up to 41 under review and revision by constituents, if not updated, by the end of the calendar year.

### **C. Board Policies and Administrative Procedures Review**

#### Action, Information: 1. Review: Policies and Procedures

The Committee reviewed each policy and procedure [presented for review](#) and discussed some in more detail for clarification.

### **D. Consideration/Approval of Meeting Minutes (ROLL CALL VOTE)**

#### Action, Minutes: 1. Meeting Minutes May 2, 2022

Motion to approve the May 2, 2022 meeting minutes by Diana Conti, second by Suzanne Crow.

Aye: Diana Conti, Suzanne Crow

### **E. Meeting Adjournment**

#### Action, Procedural: 1. Motion to Adjourn the Meeting

Motion to adjourn by Diana Conti, second by Suzanne Crow.

Aye: Diana Conti, Suzanne Crow

The meeting adjourned at 2:55 p.m.



## Human Resources

CCLC 40 - The Service updated this policy to include references to Government Code Sections 12945.2 and 12945.21. Mici 9-13-2022

Approved without changes. Mia/General Counsel 9-14-2022

Approved without changes. Nikki/Human Resources 9-28-2022

**BP 7340 LEAVES****References:**

Education Code Sections 87763 et seq. and 88190 et seq. and cites below;

Labor Code Sections 245 et seq.; ~~and cites below;~~

The Superintendent/President shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness or injury leaves for all classes of permanent employees (Education Code Sections 87781 and 88192);
- paid sick leave (Labor Code Section 246);
- vacation leave for members of the classified service, administrators, supervisors, and managers;
- leave for service as an elected official or steward of a community college district public employee organization or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210; Government Code Section 3558.8);
- leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- pregnancy leave (Education Code Sections 87766 and 88193; Government Code Section 12945);
- leave to bond with a new child (Education Code Sections 87784.5 and 88207.5);
- family care and medical leave (Government Code Sections 12945.1 and 12945.2)
- use of illness leave for personal necessity (Education Code Sections 87784 and 88207);
- industrial accident and illness leave (Education Code Sections 87787 and 88192);
- bereavement leave (Education Code Sections 87788 and 88192);
- jury service or appearance as a witness in court (Education Code Sections 87036 and 87037);
- military service (Education Code Section 87700);
- sabbatical leaves, if applicable; and
- release time for participation in special assignments (i.e. accreditation related business, statewide taskforce, etc.).

Vacation leave for members of the classified service, educational administrators and classified supervisors and managers shall not accumulate beyond 240 hours of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

In addition to this policy and collective bargaining agreements, the Board of Trustees retains the right to grant leaves with or without pay for other purposes or for other periods ~~of time~~.

See AP 7340 Leaves

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Date Adopted: January 17, 2012

Date Revised: January 19, 2016, November 17, 2018; November 9, 2021

**Date Reviewed/Revised:**

## Human Resources

CCLC 40 - The Service updated this policy to *add a usage note* that the policy does not apply to districts that provide benefits under the Public Employees' Medical & Hospital Care Act. This policy is due for review as part of the regular review process. Mici 9-13-2022  
Approved without changes. Mia/General Counsel 9-14-2022  
Approved without changes. Nikki/Human Resources 9-28-2022

**BP 7380 RETIREE HEALTH BENEFITS – ACADEMIC EMPLOYEES****References:**

Education Code Sections 7000 et seq.

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of any former academic employee who either retired from the District or was, at the time of his/her/their death, employed by the District as an academic employee and a member of the State Teacher's Retirement System. Enrollment shall be in accordance with the criteria specified in the respective collective bargaining agreement, the Consolidated Omnibus Budget Reconciliation Act (COBRA), and/or under the rules of the District-sponsored plan.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse's own expense.

Any former academic employee or surviving spouse may enroll in the District's health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Superintendent/President shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000 et seq.

Also refer to the applicable collective bargaining agreement.

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Date Adopted: September 18, 2012

Date Reviewed/Revised: